

AMENDED IN SENATE JUNE 25, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1481

Introduced by Committee on Budget (Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)

January 10, 2012

~~An act relating to the Budget Act of 2012.~~ *An act to amend Sections 631 and 631.3 of, and to amend and repeal Section 367.6 of, the Code of Civil Procedure, to amend Section 53086 of the Education Code, to amend Sections 11552, 12838, 12838.1, 21221, 21224, 21229, 68085.1, 68086, 68090.8, 68106, 68502.5, 68926, 68927, 69921, 69922, 69925, 69950, 70371.5, 70602.5, 70617, 70626, 76000.3, 77003, 77202, 77204, 77205, and 77209 of, to amend and repeal Section 72011 of, to amend, repeal, and add Sections 68085, 70616, 70657, and 70677 of, to add Sections 11011.28 and 69923 to, to add and repeal Sections 12838.14 and 70602.6 of, to repeal Sections 12838.2, 12838.3, 69927, and 77213 of, and to repeal and add Sections 69920, 69921.5, 69926, and 77203 of, the Government Code, to amend Sections 1170.05, 1231, 1233.1, 1233.6, 1233.61, 2065, 3417, 5024.2, 5072, 5075.1, 6024, 6027, 6030, 6126, and 13800 of, to amend and repeal Section 1465.8 of, to amend, repeal, and add Section 4115.5 of, to add Sections 5031, 5032, 13155, and 13827 to, and to add Article 5 (commencing with Section 2985) to Chapter 7 of Title 7 of Part 3 of, the Penal Code, to amend Section 8200 of the Probate Code, and to amend Sections 607, 736, 912, 1016, 1703, 1711, 1713, 1719, 1719.5, 1725, 1731.5, 1752.16, 1752.81, 1764.2, 1766, 1766.01, 1767.3, 1767.35, 1767.36, 1769, 1771, 1800, 1800.5, 1916, 3050, 3051, 3100, 3100.6, and 3201 of, to add Section 3202 to, and to repeal Chapter 1 (commencing with Section 3000) of*

Division 3 of, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 1481, as amended, Committee on Budget. ~~Budget Act of 2012.~~
Public safety.

(1) Existing law establishes the Department of Corrections and Rehabilitation, and provides that the department shall be headed by a secretary who is appointed by the Governor, subject to Senate confirmation. Existing law authorizes the Governor to appoint to the department 2 undersecretaries, requires the Governor to appoint 3 chief deputy secretaries, and an assistant secretary for health care policy, all subject to Senate confirmation. Existing law also authorizes the Governor to appoint assistant secretaries for victim and survivor rights and services and for correctional safety.

This bill would reorganize the executive structure of the department in various ways, including, among others, modifying the responsibilities of the undersecretaries, removing the provisions that authorize the Governor to appoint chief deputy secretaries and assistant secretaries, authorizing the Governor to appoint a chief for certain offices to be created by this bill, and creating certain divisions within the department and abolishing others.

(2) Existing law establishes the Board of State and Community Corrections as an entity independent of the Department of Corrections and Rehabilitation, and authorizes the board to carry out various powers and duties relating to providing advice and leadership on criminal justice issues.

This bill would authorize the Governor to appoint an executive officer of the board, subject to Senate confirmation, who would hold the office at the pleasure of the Governor. The executive officer would be the administrative head of the board and would exercise all duties and functions necessary to ensure that the responsibilities of the board are successfully discharged.

(3) Existing law requires the Secretary of the Department of Corrections and Rehabilitation to ensure compliance with the terms of any state plan, memoranda of understanding, administrative order, interagency agreements, assurances, single state agency obligations, federal statutes and regulations, and any other form of agreement or

obligation that vital government activities rely upon, or are condition to, the continued receipt by the department of state or federal funds or services.

This bill would, until June 30, 2021, require money recovered by the Department of Corrections and Rehabilitation from a union paid leave settlement agreement to be credited to the fiscal year in which the recovered money is received, which would be available for expenditure by the department for the fiscal year in which the recovered money is received, upon approval of the Department of Finance. The bill would require the Department of Corrections and Rehabilitation to identify and report the total amount collected annually to the Department of Finance.

(4) Existing law requires the Department of General Services to offer for sale land that is declared excess or is declared surplus by the Legislature, and that is not needed by any state agency, to local agencies and private entities and individuals, subject to specified conditions.

This bill would authorize the Director of General Services, until January 1, 2015, to sell or lease property known as the Southern Youth Correctional Reception Center and Clinic to the County of Los Angeles at market value. After that date, if not sold or leased to the County of Los Angeles, the bill would authorize the sale or lease of that property to any other person or entity subject to a competitive bid process. The bill would provide that the proceeds of the sale or lease be expended on bond payments, as specified, and other costs, including costs for the review of the sale of the property and bond counsel.

(5) Existing law generally prohibits a person who has been retired under the Public Employees' Retirement System from serving without reinstatement from retirement unless a specified exception applies. Existing law authorizes a retired person to serve without reinstatement upon appointment to certain positions, including, among others, member of a board, commission, or advisory committee, as specified, or in certain circumstances, such as during an emergency to prevent stoppage of public business or because the retired employee has specialized skills needed in performing work of limited duration. Existing law prohibits those appointments from exceeding 960 hours in any fiscal year and requires that the rate of pay not be less than the minimum nor exceed the amount paid to other employees performing comparable duties.

This bill would prohibit the hourly rate of pay for an appointment of a retired person pursuant to those provisions from exceeding the maximum monthly base salary paid to other employees performing

comparable duties as listed on a publicly available pay schedule divided by 173.333. The bill would also prohibit an appointee from receiving any benefit, incentive, compensation in lieu of benefits, or any other form of compensation in addition to the hourly pay rate. The bill would prohibit these appointments, including those made concurrently, as specified, from exceeding a combined total of 960 hours each fiscal year. The bill would prohibit a retired annuitant appointed pursuant to these provisions from working more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.

(6) Existing law requires the Judicial Council, on or before July 1, 2011, to establish statewide, uniform fees to be paid by a party to a civil action for appearing by telephone, which shall supersede any fees paid to vendors and courts under existing agreements and procedures. Existing law, until July 1, 2013, provides that if a vendor or court later receives a fee or a portion of a fee for appearance by telephone that was previously waived, that fee shall be distributed, as specified. Existing law, until July 1, 2013, requires each vendor or court that provides for appearances by telephone to transmit \$20, for each fee received for providing telephone appearance services, to the State Treasury for deposit in the Trial Court Trust Fund, except as specified. Existing law also requires these vendors to transmit, as specified, an amount equal to the total amount of revenue received by all courts for providing appearances for the 2009–10 fiscal year.

This bill would specify that the statewide, uniform fees to be paid by a party for appearing by telephone shall supersede any fees paid to vendors and courts under any previously existing agreements and procedures. The bill would delete the July 1, 2013, repeal of the provision for distribution of fees that were previously waived, and the repeal date for the \$20 payment required for each fee received for providing telephone appearance services, thereby extending those provisions indefinitely.

Existing law requires each party to a civil action demanding a jury trial to deposit advance jury fees with the clerk or judge, the total amount of which may not exceed \$150 for each party. Existing law requires the deposit of advance jury fees to be made at least 25 calendar days before the date initially set for trial, except that in unlawful detainer actions the fees are required to be deposited at least 5 days before the date set for trial. Existing law authorizes the refund of advance jury fees under specified circumstances, but provides for the

transfer of those fees that are not refunded to the Controller for deposit into the Trial Court Trust Fund.

This bill, instead, would require each party to pay advance jury fees in the amount of \$150. The bill would provide additional dates for the deposit of advance jury fees, as specified. The bill would require the court to transmit the advance jury fees to the State Treasury for deposit in the Trial Court Trust Fund within 45 calendar days after the end of the month in which the advance jury fees are deposited with the court, and would specify that advance jury fees deposited after the effective date of this measure are nonrefundable.

Existing law states the intent of the Legislature to establish a moratorium on increases in court filing fees until July 1, 2013, but imposes supplemental fees for filing first papers in connection with specified civil proceedings, until that date.

This bill would delete the repeal date for the supplemental fees, thereby extending those fees indefinitely. The bill would impose an additional supplemental fee for filing first papers in certain civil proceedings, until July 1, 2015, subject to reduction if the amount of the General Fund appropriation to the Trial Court Trust Fund is decreased from the amount appropriated in the 2013–14 fiscal year. The supplemental fees collected pursuant to these provisions would be deposited into the Trial Court Trust Fund. The bill would make other conforming changes.

Existing law requires a \$550 fee to be paid on behalf of all plaintiffs, and by each defendant, intervenor, respondent, or adverse party to a civil action at the time of filing its first paper if the case is designated as a complex case or whenever the case is determined by the court to be a complex case. Existing law imposes a limitation of \$10,000 on the total amount of fees collected from all defendants, intervenors, respondents, and adverse parties appearing in a complex case.

This bill would, until July 1, 2015, increase the complex case fee from \$550 to \$1,000, and increase the limitation on the total amount of fees collected from all defendants, intervenors, respondents, and adverse parties appearing in a complex case from \$10,000 to \$18,000.

Under existing law, the uniform fee for filing any specified motion, application, order to show cause, or other paper requiring a hearing subsequent to the first paper is \$40. The fee for filing a motion for summary judgment or summary adjudication of issues, or for filing in the superior court an application to appear as counsel pro hac vice, is \$500 until July 1, 2013, at which time those fees shall be reduced to

\$200 and \$250, respectively. Existing law, until July 1, 2013, provides for $\frac{1}{2}$ of the pro hac vice application fee to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund and $\frac{1}{2}$ into the Trial Court Trust Fund. After that date the entire fee collected for the pro hac vice application is required to be transmitted to the state for deposit into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. Existing law also requires, until July 1, 2013, an attorney whose application to appear as counsel pro hac vice has been granted to pay an annual renewal fee of \$500 for each year that the attorney maintains pro hac vice status in the case in which the application was granted. The entire renewal fee is transmitted to the state for deposit into the Trial Court Trust Fund.

This bill would, until July 1, 2015, increase that \$40 uniform filing fee to \$60. The bill also would extend indefinitely the \$500 fee for filing a motion for summary judgment or summary adjudication of issues, for filing in the superior court an application to appear as counsel pro hac vice, and for the annual renewal of pro hac vice status. The bill would extend indefinitely the provisions requiring $\frac{1}{2}$ of the fee to appear as counsel pro hac vice to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund and $\frac{1}{2}$ into the Trial Court Trust Fund.

Existing law requires the charge of an official court reporter fee, in addition to any other fee required in civil actions or cases, for each proceeding lasting more than one hour, in an amount equal to the actual cost of providing that service per $\frac{1}{2}$ day of services to the parties, on a pro rata basis, for the services of an official court reporter on the first and each succeeding judicial day those services are provided, as specified. Fees collected pursuant to this provision may be used only to pay for services of an official court reporter in civil proceedings. Existing law further requires that, whenever a daily transcript is ordered in a civil case requiring the services of more than one reporter, the party requesting the transcript must pay a fee equal to the per diem rate for pro tempore reporters in addition to any other required fee.

This bill would additionally require an official court reporter fee to be charged for each proceeding lasting less than one hour.

Existing law imposes specified fees upon filing a notice of appeal in a civil case appealed to a court of appeal, a petition for a writ within the original jurisdiction of the Supreme Court or the court of appeal, and a petition for hearing in a civil case in the Supreme Court after

decision in a court of appeal. Existing law also imposes specified fees for a party other than appellant filing its first document in a civil case appealed to a court of appeal, for a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of the Supreme Court, or for a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of a court of appeal.

This bill would increase those fees, as specified.

Existing law requires the Judicial Council to retain the ultimate responsibility to adopt a budget and allocate funding for the trial courts. Under existing law, the Judicial Council may authorize a trial court to carry unexpended funds over from one fiscal year to the next, provided that the trial court meets certain trial court coordination requirements.

This bill would instead authorize a trial court to, prior to June 30, 2014, carry over unexpended funds from the court's operating budget from the prior fiscal year and, on and after that date, to carry over unexpended funds in an amount not to exceed 1% of the court's operating budget from the prior fiscal year. The bill would require the Judicial Council to set a preliminary allocation to trial courts in July of each fiscal year and to finalize those allocations in January, as specified. The bill would require the Judicial Council to set aside 2% of specified funds appropriated in the annual Budget Act and to make those funds available to trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls, as specified.

The bill would prohibit the Judicial Council from expending funds on the Court Case Management System without consent from the Legislature, except as specified. The bill would prohibit construing any provision of law as authorizing the Judicial Council to redirect funds for any purpose other than allocation to trial courts or as otherwise appropriated.

Existing law creates the Trial Court Trust Fund and requires that the fund be invested in the Surplus Money Investment Fund and requires that interest earned be allocated among trial courts, as specified.

This bill would delete the requirement that the interest earned be allocated among trial courts.

Existing law establishes the Immediate and Critical Needs Account of the State Court Facilities Construction Fund and limits the use of the proceeds to certain purposes.

This bill would also authorize using the proceeds for trial court operations, as defined.

Existing law establishes the Trial Court Improvement Fund and the Judicial Administrative Efficiency and Modernization Fund.

This bill would establish the State Trial Court Improvement and Modernization Fund as the successor to those funds, would require that any assets, liabilities, revenues, and expenditures of those funds be transferred to the State Trial Court Improvement and Modernization Fund, and would make other related conforming changes.

(7) Existing law, until July 1, 2013, provides that for each parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of \$3 shall be imposed in addition to the penalty, fine, or forfeiture set by the city, district, or other issuing agency. Existing law requires the county treasurer to transmit the penalty to the Treasurer for deposit in the Trial Court Trust Fund, as specified.

This bill would extend the operation of these provisions indefinitely. By extending the operation of these provisions, the bill would increase the duties of county employees and thereby impose a state-mandated local program.

Existing law, until July 1, 2013, requires an assessment of \$40 to be imposed on every conviction for a criminal offense, as provided, to assist in funding court operations. As of that date, that assessment shall be reduced to \$30.

This bill would delete that repeal date, thereby extending the \$40 assessment indefinitely.

(8) Existing law requires the custodian of a will, within 30 days after having knowledge of the death of the testator, unless a petition for probate of the will is earlier filed, to deliver the will to the clerk of the superior court of the county in which the estate of the decedent may be administered and to mail a copy of the will to the executor or a beneficiary, as specified. Existing law prohibits a fee from being charged for delivering the will to the clerk of the superior court.

This bill would impose a fee of \$50 for delivering a will to the clerk of the superior court as required pursuant to that provision.

(9) The Superior Court Law Enforcement Act of 2002 authorizes the presiding judge of each superior court to contract with a sheriff or marshal for the necessary level of law enforcement services in the courts. The act requires a sheriff to attend all superior courts held within his or her county whenever required, as specified. Existing law requires the superior court and the sheriff or marshal to enter into an

annual or multiyear memorandum of understanding specifying the agreed-upon level of court security services and their cost and terms of payment, and requires the sheriff or marshal to provide specified information to the courts by April 30 of each year, with actual court security allocations subject to the approval of the Judicial Council and the funding provided by the Legislature. Existing law requires the Controller, for the 2011–12 fiscal year, to allocate on a monthly basis a specified amount of the revenues received in the Local Revenue Fund 2011 into the Trial Court Security Account of that fund. Existing law provides that the moneys in the Trial Court Security Account shall be used exclusively to fund trial court security provided by county sheriffs, but shall not include any general county administrative costs. The Controller is required to allocate funds in that account each month to each county or city and county, as specified, to be used solely to provide security to the trial courts, and not for general county administrative expenses.

This bill would revise and recast the Superior Court Law Enforcement Act of 2002, including renaming the act as the Superior Court Security Act of 2012. The bill would provide that it implements the statutory changes necessary as a result of the realignment of superior court security funding enacted in Assembly Bill 118 (Chapter 40 of the Statutes of 2011), in which the Trial Court Security Account was established to fund court security. The bill would require the sheriff, with the approval and authorization of the board of supervisors, and on behalf of the county, to enter into an annual or multiyear memorandum of understanding with the superior court specifying an agreed-upon level of court security services and any other agreed-upon governing or operating procedures. Except as specified, the bill would provide that the sheriff is responsible for the necessary level of court security services, as established by the memorandum of understanding. The bill would specify that the court security services provided by the sheriff may include, among other things, bailiff functions, taking charge of a jury, and overseeing and escorting prisoners in holding cells. The bill prohibit a superior court from paying a sheriff for court security services and equipment, except as provided. The bill would establish a meeting process for the resolution of an impasse in the negotiation of the memorandum of understanding or disputes regarding the administration or level of services and equipment being provided to a court. The bill would require the Judicial Council to establish, by rule of court, a process that expeditiously and finally resolves disputes that are not

settled in the meeting process through a panel of court of appeal justices qualified to hear these matters.

(10) Existing law authorizes the Department of Corrections and Rehabilitation to offer a program under which female inmates, pregnant inmates, or inmates who were primary caregivers of dependent children immediately prior to incarceration and who have been committed to state prison may participate in a voluntary alternative custody program in lieu of confinement in state prison, such as confinement to a residential home, as specified, or confinement to a residential drug treatment program. Existing law also requires the department to collaborate with local law enforcement and community-based programs that administer evidence-based practices in order to prevent recidivism among individuals placed in alternative custody and assist in reentry to society.

This bill would clarify that only female inmates are eligible for the program. The bill would delete the provision requiring the department to collaborate with local law enforcement and would instead require the department to prioritize the use of evidence-based programs and services that will aid in the successful reentry of inmates into society while they take part in alternative custody. The bill would also require that case management services be provided to support rehabilitation and to track the progress and individualized treatment plan compliance of the inmate.

(11) Existing law establishes in the State Treasury the State Community Corrections Performance Incentives Fund, a continuously appropriated fund. Moneys in the fund are appropriated for purposes of providing probation revocation incentive payments and high performance grants for the implementation of a specified community corrections program consisting of a system of felony probation supervision intended to, among other goals, reduce recidivism and improve public safety. Existing law also authorizes each county to establish in the county treasury a Community Corrections Performance Incentives Fund to receive amounts allocated to the counties for purposes of funding community corrections programs pursuant to these provisions, as specified.

Existing law requires each county receiving funding pursuant to these provisions to identify and track specific outcome-based measures, as provided, and report to the Administrative Office of the Courts on the effectiveness of the community corrections program. Existing law requires the Administrative Office of the Courts, in consultation with

the Chief Probation Officers of California and the Department of Corrections and Rehabilitation, to provide a quarterly statistical report to the Department of Finance containing statistical information for each county, including information regarding the number of felony filings and felony convictions.

This bill would expand the scope of the information provided in the statistical report to include information regarding the number of felons who had their probation revoked and were sent to county jail and the number of adult felony probationers sent to county jail for a conviction of a new felony offense, as specified.

Existing law requires the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts, to annually calculate, among other things, the statewide probation failure rate and a probation failure rate for each county, for purposes of calculating the probation failure reduction incentive payments and high performance grant payments to counties to support the community corrections program described above.

This bill would instead require the department, in consultation with those entities, to calculate the statewide probation failure to prison rate and a probation failure to prison rate for each county. The bill would also make conforming changes.

Existing law prohibits more than 1% of the estimated savings to the state resulting from the population of felony probationers successfully prevented from being sent to state prison, as calculated by the Department of Finance, from being appropriated for use by the Administrative Office of the Courts for the costs of implementing and administering the community corrections program described above. Existing law also requires the Department of Finance to increase the award amount, as specified, for any county whose payment in connection with that program totals less than \$100,000 to no more than \$100,000.

This bill would require the Department of Finance, in consultation with the Administrative Office of the Courts, to determine a funding amount not to exceed 1% of estimated savings to the state, as described above, to be appropriated for use by the Administrative Office of the Courts for the costs of implementing and administering the community corrections program described above and the 2011 Realignment Legislation addressing public safety. The bill would also require the Department of Finance to increase the award amount for any county

whose payment in connection with that program totals less than \$200,000 to be no more than \$200,000.

(12) Existing law requires the Department of Corrections and Rehabilitation to establish and implement a community treatment program, under which a woman sentenced to state prison who has one or more children under 6 years of age, whose child is born prior to incarceration, or who is pregnant, shall be eligible for release with her children to a public or private facility in the community suitable to their needs. Existing law requires the department to deny placement in the community treatment program, except as provided, to certain women including, but not limited to, those who have been convicted of the unlawful sale or possession for sale, manufacture, or transportation of a controlled substance, as defined, if large scale and for profit, as defined by the department, and those who have been convicted of a violent felony, among others.

This bill would permit women who are convicted of planting, cultivating, harvesting, drying, or processing any marijuana or any part thereof, or convicted of possessing for sale any marijuana, to participate in the program and would require the Secretary of the Department of Corrections and Rehabilitation to consider for placement in the program inmates who have been convicted of the unlawful sale or possession for sale, manufacture, or transportation of controlled substances, if large scale and for profit, on a case-by-case basis. The bill would also require the secretary to consider women on a case-by-case basis for placement in the program who have been convicted of a robbery or burglary, and women who are subject to a United States Immigration and Customs Enforcement hold. The bill would provide that charged offenses that did not result in conviction shall not be used to exclude an applicant from the program.

(13) Existing law authorizes a county where adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities to enter into an agreement with the board or boards of supervisors of one or more nearby counties whose county adult detention facilities are adequate for and are readily accessible from the first county. Existing law requires these agreements to make provision for the support of a person so committed or transferred by the county from which he or she is committed.

This bill, until July 1, 2015, would authorize the board of supervisors of a county, where, in the opinion of the county sheriff or the director of the county department of corrections, adequate facilities are not

available for prisoners, to enter into an agreement with any other county whose county adult detention facilities are adequate for and accessible to the first county and would require the concurrence of the receiving county's sheriff or the director of the county department of corrections. The bill would remove the requirement for support of the offender by the originating county. The bill would also require a county entering into an agreement with another county to report annually to the Board of State and Community Corrections on the number of offenders who otherwise would be under that county's jurisdiction but who are now being housed in another county's facility and the reason for needing to house the offenders outside the county.

(14) Existing law requires the Department of Corrections and Rehabilitation to have responsibility for oversight over state prisons and for the supervision of parolees.

This bill would require the department to submit, as specified, estimated expenditures for each state or contracted facility housing offenders and for the cost of supervising offenders on parole, by region, for inclusion in the annual Governor's Budget and the May Revision thereto. The bill would require the departmental estimates, assumptions, and other supporting data to be forwarded annually to the Joint Legislative Budget Committee and the public safety policy committees and fiscal committees of the Legislature.

The bill would also require the department, as directed by the Department of Finance, to work with the appropriate budget and policy committees of the Legislature and the Legislative Analyst's Office to establish appropriate oversight, evaluation, and accountability measures, to be adopted as part of a corrections plan, as specified. The bill would also require a periodic review, conducted by the Department of Finance's Office of State Audits and Evaluations, that assesses the fiscal benchmarks of the plan.

(15) Existing law makes the State Department of Health Care Services (SDHCS) the designated state agency to supervise every phase of the administration of health care services and medical assistance for which grants-in-aid are received from the federal government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws. Existing law requires the Department of Corrections and Rehabilitation to, among other things, seek to enter into memoranda of understanding with the Social Security Administration and the SDHCS, and federal, state, or county entities to facilitate prerelease agreements to help inmates initiate benefits

claims. Existing law requires the department to reimburse county public hospitals on a quarterly basis for the nonfederal share of Medi-Cal costs incurred by the county for individuals who have been granted medical parole and the county costs for providing health care services that are not allowable under Medi-Cal but are required by the state to be furnished to eligible persons who have been granted medical parole, including public guardianship health care services. Existing law requires the department to provide, or provide reimbursement for, services associated with public guardianship of medical parolees and authorizes the department to provide supplemental reimbursements to providers. Existing law requires the department to establish contracts with appropriate medical providers in cases where medical parolees are ineligible for Medi-Cal and are unable to pay the costs of their medical care.

This bill would delete the provisions requiring the department to seek to enter into memoranda of understanding with the Social Security Administration and the SDHCS to facilitate prerelease agreements to help inmates initiate benefits claims and would instead only require the department to seek to enter into memoranda of understanding with federal, state, or county entities for those purposes. The bill would require hospitals, nursing facilities, and other providers providing services to medical parolees to invoice the department, and would require the department to reimburse those entities in accordance with contracted rates or, if there is no contract, at a rate equal to or less than the amount payable under the Medicare Fee Schedule. The bill would require the department to submit a quarterly invoice to the SDHCS for reimbursement for services provided to medical parolees eligible for Medi-Cal for claiming and reimbursement of federal Medicaid funds and would require the SDHCS to remit funds for federal financial participation to the department. The bill would require the department to directly provide, or provide reimbursement for, services associated with conservatorship for inmates who are granted medical parole who are ineligible for Medi-Cal. The bill would, to the extent allowed by federal law and to the extent federal participation is available, authorize the department or its designee to act on behalf of an inmate for the limited purposes of applying for and redetermination of Medi-Cal eligibility and sharing and maintaining records with the SDHCS.

Under existing law, the department and the SDHCS are authorized to develop a process to maximize federal financial participation in the

provision of acute inpatient hospital services rendered to individuals who, but for their institutional status as inmates, are otherwise eligible for Medi-Cal or the Low Income Health Program (LIHP). For individuals eligible for Medi-Cal or LIHP, existing law requires the department to submit a monthly invoice to the SDHCS or to the county of last residence, as applicable, for claiming federal participation for acute inpatient hospital services.

This bill would, instead, require the submission of quarterly invoices.

(16) Existing law requires that certain mentally disordered prisoners, as a condition of parole, be treated by the State Department of Mental Health, as provided. Existing law authorizes the Department of Corrections and Rehabilitation to obtain day treatment, and to contract for crisis care services, for parolees with mental health problems.

This bill would require the Department of Corrections and Rehabilitation to provide a supportive housing program that provides wraparound services to mentally ill parolees at risk of homelessness using funding appropriated for that purpose. The program would provide that an inmate or parolee is eligible for participation if he or she has a serious mental disorder, as specified, and has been assigned a release date from state prison and is likely to become homeless upon release or is currently a homeless parolee. The bill would require providers to offer various services, including housing location services and rental subsidies. The bill would require providers to report specified information to the department, including the number of participants served and the outcomes for participants. The bill would also require the department to prepare an analysis of the information and to annually submit, on or before February 1, the information and the analysis to the chairs of the Joint Legislative Budget Committee and other specified committees.

(17) Existing law authorizes the Department of Corrections and Rehabilitation to maintain and operate a comprehensive pharmacy services program for facilities under the jurisdiction of the department and to incorporate certain protocols, including a requirement for the use of generic medications, when available, unless an exception is reviewed and approved in accordance with an established nonformulary approval process.

This bill would require the program to incorporate those protocols and would require the nonformulary process to include a process whereby a prescriber may indicate on the face of the prescriptions

“dispense as written” or other appropriate form for electronic prescriptions.

(18) Existing law, commencing July 1, 2012, requires the Board of State and Community Corrections to establish minimum standards for local correctional facilities. Existing law requires standards for state correctional facilities to be established by January 1, 2007. Existing law requires the board to review both of these standards biennially and make appropriate revisions. Existing law requires that the standards include standards for the treatment of persons confined in state and local correctional facilities.

This bill would delete the provision requiring the standards for state correctional facilities to be established and reviewed biennially, and would remove the requirement that the standards include standards for the treatment of persons confined in state correctional facilities, thereby making these provisions applicable to local correctional facilities only.

(19) Existing law provides that it is the duty of the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, and to collect and make publicly available data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices in this state, as specified.

This bill would require, on and after July 1, 2012, the board, in consultation with the Administrative Office of the Courts, the California State Association of Counties, the California Sheriffs Association, and the Chief Probation Officers of California, to support the development and implementation of specified data collection instruments to reflect the impact of Chapter 15 of the Statutes of 2011 relating to the disposition of felony offenders and postrelease community supervision, and to make any data collected available on the board’s Internet Web site. The bill would also require the Administrative Office of the Courts, commencing January 1, 2013, to collect information from trial courts regarding the implementation of that chapter, as specified. The bill would require the trial courts to provide this data twice a year to the Administrative Office of the Courts, would authorize the courts to use funds provided to them for criminal justice realignment for the purpose of collecting and providing this data, and would require the office to make the data available to the Department of Finance, the Board of State and Community Corrections, and the Joint Legislative Budget Committee by September 1, 2013, and annually thereafter.

(20) Existing law requires the Inspector General to be responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of the department, as specified.

This bill would require the Inspector General to conduct an objective, metric-oriented oversight and inspection program to periodically review delivery of specified reforms relating to the prison system, including adherence to the standardized staffing model at each institution and prison gang management.

(21) Existing law authorizes the juvenile court to retain jurisdiction over a ward of the court until the ward attains 21 years of age, or, if the person has committed certain specified offenses, until the person attains 25 years of age. Existing law requires the Juvenile Parole Board to carry out specified duties relating to the release and supervision on parole of wards from the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. Beginning July 1, 2014, existing law eliminates the power of revocation or suspension of parole as a state duty exercised by the Juvenile Parole Board, and instead requires the court to establish the conditions of the ward's supervision and the county of commitment to supervise a ward released on parole.

This bill would end juvenile parole on January 1, 2013, instead of July 1, 2014, except as specified. By requiring county supervision of wards on parole to begin earlier, the bill would impose a state-mandated local program. The bill would also reduce the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, to 23 years of age for all wards committed to the division on or after July 1, 2012.

Existing law requires, beginning on January 1, 2012, counties to pay an annual fee of \$125,000 for each individual from that county who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, for the time that the individual remains in any institution under the division's direct supervision, or in an institution, boarding home, foster home, or other institution in which he or she is placed by the division, on parole or otherwise, and cared for and supported at the expense of the division.

This bill would specify that the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall not collect, and a county shall not owe, those fees, and, beginning on July 1, 2012, would require counties to pay an annual fee of \$24,000 per year for each individual committed by a juvenile court on or after July 1, 2012, to the Department of Corrections and Rehabilitation, Division of Juvenile

Facilities. The bill would also require the Board of State and Community Corrections to collect and maintain information about the movement of juvenile offenders committed by a juvenile court and placed in any institution, boarding home, foster home, or other institution in which they are cared for, supervised by the division or county, or both.

Existing law authorizes the chief of the Division of Juvenile Facilities to enter into contracts with counties for the Department of Corrections and Rehabilitation, Division of Juvenile Facilities to provide housing to a ward who was in the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities on December 12, 2011, and whose commitment was recalled under specific circumstances.

This bill would specify that a county entering into a contract pursuant to these provisions shall not be required to reimburse the state.

(22) Existing law authorizes the Department of Corrections and Rehabilitation to extend a ward's parole consideration date from one to not more than 12 months for a sustained serious misconduct violation if all other sanctioning options have been considered and determined to be unsuitable in light of the ward's previous case history and the circumstances of the misconduct. Existing law authorizes the department to promulgate regulations establishing a process for granting wards who have successfully responded to disciplinary sanctions a reduction of up to 50% of any time acquired for disciplinary matters.

This bill would prohibit the department from extending a ward's parole consideration date and would authorize the department to promulgate regulations establishing a process for granting wards who have successfully responded to disciplinary sanctions a reduction of any time acquired for disciplinary matters.

(23) Existing law establishes the California Voluntary Tattoo Removal Program to serve individuals between 14 and 24 years of age, who are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth, through a competitive grant process, as specified. Existing law authorizes the California Emergency Management Agency to administer this program to the extent funds are appropriated.

This bill would instead authorize the Board of State and Community Corrections to administer the program.

(24) Existing law provides for the commitment of persons who are addicted to narcotics, or who by reason of repeated use of narcotics, may be in imminent danger of becoming addicted to narcotics, to the

Department of Corrections and Rehabilitation for confinement in the narcotic detention, treatment, and rehabilitation facility upon the petition of the district attorney. Existing law provides that a person may be committed following a conviction of an infraction, misdemeanor, felony, or probation revocation, or upon a report to the district attorney by anyone who believes a person is addicted to the use of narcotics, or upon an examination by a physician who determines that the person is addicted to narcotics, as provided.

Commencing July 1, 2012, this bill would provide that no new commitments may be made pursuant to these provisions. This bill would make these provisions inoperative on April 1, 2014, and would repeal these provisions on January 1, 2015.

Existing law requires a person involuntarily committed pursuant to the above provisions to be released on parole once the person has spent a period of confinement or in custody equal to that which he or she would have otherwise spent in state prison had the sentence been executed. Existing law requires that upon the termination of the period of parole the person shall be returned to the court from which he or she was committed to be discharged from the program.

This bill would require the person to be returned to the court for discharge from the program pursuant to the above provisions either at the end of parole supervision or July 1, 2013, whichever occurs sooner. If the person is serving a term of revocation or obtaining substance abuse treatment on July 1, 2013, the bill would require the person to complete the term of treatment in the California Rehabilitation Center. Beginning July 1, 2012, the bill would prohibit a person committed pursuant to the above provisions and discharged from the California Rehabilitation Center from being placed on a period of parole. Beginning July 1, 2013, the bill would require that any person on parole pursuant to the above provisions that is not serving a term of revocation or in the custody of the Department of Corrections and Rehabilitation to be discharged from parole and returned to the court that suspended execution of the person's sentence.

(25) The bill would also make technical, clarifying, and conforming changes.

(26) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(27) The bill would appropriate \$1,000 from the General Fund to the Department of Corrections and Rehabilitation for administration.

(28) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 367.6 of the Code of Civil Procedure, as
2 added by Section 3 of Chapter 720 of the Statutes of 2010, is
3 amended to read:

4 367.6. (a) On or before July 1, 2011, the Judicial Council shall
5 establish statewide, uniform fees to be paid by a party for appearing
6 by telephone, which shall supersede any fees paid to vendors and
7 courts under *any previously* existing agreements and procedures.
8 The fees to be paid for telephone appearances shall include:

9 (1) A fee for providing the telephone appearance service
10 pursuant to a timely request to the vendor or court.

11 (2) An additional fee for providing services if the request is
12 made shortly before the hearing, as defined by the Judicial Council.

13 (3) A fee for canceling a telephone appearance request.

14 (b) If a party has received a waiver of fees pursuant to Article
15 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the
16 Government Code, neither a vendor nor a court shall charge that
17 party any of the fees authorized by this section, subject to the
18 following:

19 (1) The vendor or court that provides the telephone appearance
20 service shall have a lien, as provided by rule of court, on any
21 judgment, including a judgment for costs, that the party may
22 receive, in the amount of the fee that the party would have paid
23 for the telephone appearance.

24 (2) If the vendor or court later receives a fee or a portion of a
25 fee for appearance by telephone that was previously waived, that

1 fee shall be distributed consistent with Section 72011 of the
2 Government Code.

3 (c) The fee described in this section shall be a recoverable cost
4 under Section 1033.5 of the Code of Civil Procedure.

5 ~~(d) This section shall become inoperative on July 1, 2013, and,~~
6 ~~as of January 1, 2014, is repealed, unless a later enacted statute,~~
7 ~~that becomes operative on or before January 1, 2014, deletes or~~
8 ~~extends the dates on which it becomes inoperative and is repealed.~~

9 *SEC. 2. Section 367.6 of the Code of Civil Procedure, as added*
10 *by Section 4 of Chapter 720 of the Statutes of 2010, is repealed.*

11 ~~367.6. (a) On or before July 1, 2011, the Judicial Council shall~~
12 ~~establish statewide, uniform fees to be paid by a party for appearing~~
13 ~~by telephone, which shall supersede any fees paid to vendors and~~
14 ~~courts under existing agreements and procedures. The fees to be~~
15 ~~paid for telephone appearances shall include:~~

16 ~~(1) A fee for providing the telephone appearance service~~
17 ~~pursuant to a timely request to the vendor or court.~~

18 ~~(2) An additional fee for providing services if the request is~~
19 ~~made shortly before the hearing, as defined by the Judicial Council.~~

20 ~~(3) A fee for canceling a telephone appearance request.~~

21 ~~(b) If a party has received a waiver of fees pursuant to Article~~
22 ~~6 (commencing with Section 68630) of Chapter 2 of Title 8 of the~~
23 ~~Government Code, neither a vendor nor a court shall charge that~~
24 ~~party any of the fees authorized by this section, however, the~~
25 ~~vendor or court that provides the telephone appearance service~~
26 ~~shall have a lien, as provided by rule of court, on any judgment,~~
27 ~~including a judgment for costs, that the party may receive, in the~~
28 ~~amount of the fee that the party would have paid for the telephone~~
29 ~~appearance.~~

30 ~~(c) The fee described in this section shall be a recoverable cost~~
31 ~~under section 1033.5 of the Code of Civil Procedure.~~

32 ~~(d) This section shall become operative on July 1, 2013.~~

33 *SEC. 3. Section 631 of the Code of Civil Procedure is amended*
34 *to read:*

35 631. (a) The right to a trial by jury as declared by Section 16
36 of Article I of the California Constitution shall be preserved to the
37 parties inviolate. In civil cases, a jury may only be waived pursuant
38 to subdivision ~~(d)~~ (f).

39 (b) Each party demanding a jury trial shall deposit advance jury
40 fees with the clerk or judge. The total amount of the advance jury

1 fees ~~may not exceed~~ *shall be* one hundred fifty dollars (\$150) for
2 each party. ~~The deposit shall be made at least 25 calendar days~~
3 ~~before the date initially set for trial, except that in unlawful detainer~~
4 ~~actions the fees shall be deposited at least five days before the date~~
5 ~~set for trial.~~

6 *(c) The advance jury fee deposit shall be made on or before the*
7 *date scheduled for the initial case management conference in the*
8 *action. If no case management conference is scheduled in a civil*
9 *action, the advance jury deposit shall be made no later than 365*
10 *calendar days after the filing of the initial complaint. If the party*
11 *has not appeared before the initial case management conference*
12 *or has appeared more than 365 calendar days after the filing of*
13 *the initial complaint, the deposit shall be made as provided in*
14 *subdivision (d).*

15 *(d) Except as otherwise provided in subdivision (c), the deposit*
16 *of advance jury fees shall be made at least 25 calendar days before*
17 *the date initially set for trial, except that in unlawful detainer*
18 *actions the fees shall be deposited at least five days before the date*
19 *set for trial.*

20 ~~(e)~~

21 *(e) The parties demanding a jury trial shall deposit with the*
22 *clerk or judge, at the beginning of the second and each succeeding*
23 *day's session, a sum equal to that day's fees and mileage of the*
24 *jury, including the fees and mileage for the trial jury panel if the*
25 *trial jury has not yet been selected and sworn. If more than one*
26 *party has demanded a jury, the respective amount to be paid daily*
27 *by each party demanding a jury shall be determined by stipulation*
28 *of the parties or by order of the court.*

29 ~~(f)~~

30 *(f) A party waives trial by jury in any of the following ways:*

31 *(1) By failing to appear at the trial.*
32 *(2) By written consent filed with the clerk or judge.*
33 *(3) By oral consent, in open court, entered in the minutes.*
34 *(4) By failing to announce that a jury is required, at the time*
35 *the cause is first set for trial, if it is set upon notice or stipulation,*
36 *or within five days after notice of setting if it is set without notice*
37 *or stipulation.*

38 *(5) By failing to deposit with the clerk, or judge, advance jury*
39 *fees as provided in subdivision ~~(b)~~ (c) or (d), as applicable.*

(6) By failing to deposit with the clerk or judge, at the beginning of the second and each succeeding day's session, the sum provided in subdivision-(e) (e).

(e)

(g) The court may, in its discretion upon just terms, allow a trial by jury although there may have been a waiver of a trial by jury.

(h) *The court shall transmit the advance jury fees to the State Treasury for deposit in the Trial Court Trust Fund within 45 calendar days after the end of the month in which the advance jury fees are deposited with the court.*

(i) *Advance jury fees deposited after the effective date of the act that amended this section during the 2011-12 Regular Session shall be nonrefundable.*

SEC. 4. *Section 631.3 of the Code of Civil Procedure is amended to read:*

631.3. (a) Notwithstanding any other provision of law, when a party to the litigation has deposited jury fees with the judge or clerk and that party waives a jury or obtains a continuance of the trial, or the case is settled, none of the deposit shall be refunded if the court finds there has been insufficient time to notify the jurors that the trial would not proceed at the time set. If the jury fees so deposited are not refunded for ~~the any of these reasons herein specified~~, or if a refund of jury fees deposited with the judge or clerk has not been requested, in writing, by the depositing party within 20 business days from the date on which the jury is waived or the action is settled, dismissed, or a continuance thereof granted, the fees shall be transmitted to the Controller for deposit into the Trial Court Trust Fund. ~~AH~~

(b) All jury fees and mileage fees that may accrue by reason of a juror serving on more than one case in the same day shall be transmitted to the Controller for deposit into the Trial Court Trust Fund. All jury fees that were deposited with the court in advance of trial pursuant to Section 631 prior to January 1, 1999, and ~~which~~ *that* remain on deposit in cases that were settled, dismissed, or otherwise disposed of, and three years have passed since the date the case was settled, dismissed, or otherwise disposed of, shall be transmitted to the Controller for deposit into the Trial Court Trust Fund.

1 (c) Advance jury fees deposited after the effective date of the
2 act that amended this section during the 2011–12 Regular Session
3 shall be nonrefundable.

4 SEC. 5. Section 53086 of the Education Code is amended to
5 read:

6 53086. (a) There is in the department the California Career
7 Resource Network Program, formerly called the California
8 Occupational Information Coordinating Committee. This program
9 is established for the purposes of Section 2328 of Title 20 of the
10 United States Code, for the purposes of this article, and for other
11 purposes authorized by the Legislature.

12 (b) The mission of the program is to provide all persons in
13 California with career development information and resources to
14 enable them to reach their career goals.

15 (c) The primary duty of the program is to distribute career
16 information, resources, and training materials to middle school
17 and high school counselors, educators, and administrators, in order
18 to ensure that middle schools and high schools have the necessary
19 information available to provide a pupil with guidance and
20 instruction on education and job requirements necessary for career
21 development.

22 (d) Information and resources distributed by the program shall
23 provide all of the following:

24 (1) Encouragement to completing a secondary education.

25 (2) Career exploration tools, provided in written and multimedia
26 format, that offer an introduction to the nature of career planning,
27 self-assessment, methods of investigating the work world, methods
28 of identifying and meeting education and training needs, and
29 methods of creating a career action plan.

30 (3) Relevant information on the labor market and career
31 opportunities.

32 (4) Assistance to a pupil in the acquisition and development of
33 career competencies including the appropriate skills, attitudes, and
34 knowledge to allow a pupil to successfully manage his or her
35 career.

36 (e) (1) There is hereby established the State Agency Partners
37 Committee composed of the following members or their designees:

38 (A) The Director of Employment Development.

39 (B) The Superintendent of Public Instruction.

40 (C) The Chancellor of the California Community Colleges.

1 (D) The Director of Rehabilitation.

2 (E) The Director of Social Services.

3 (F) The Executive Director of the California Workforce
4 Investment Board.

5 ~~(G) The Chief Deputy Secretary for Adult Operations of~~
6 ~~Director of the Division of Adult Institutions in the Department of~~
7 ~~Corrections and Rehabilitation.~~

8 ~~(H) The Chief Deputy Secretary of Juvenile Justice Director of~~
9 ~~the Division of Juvenile Justice in the Department of Corrections~~
10 ~~and Rehabilitation.~~

11 (I) The Director of Developmental Services.

12 (2) The State Agency Partners Committee shall coordinate the
13 use of network information and resources in programs that are
14 implemented by the entities that the members of the committee
15 represent.

16 (f) The program shall perform its duties only upon funding
17 provided in the annual Budget Act.

18 SEC. 6. Section 11011.28 is added to the Government Code,
19 to read:

20 11011.28. (a) The Director of General Services may sell or
21 lease, pursuant to Section 11011.1, at market value based upon
22 an appraisal approved by the Department of General Services, to
23 the County of Los Angeles, upon those terms and conditions and
24 subject to those reservations and exceptions the director determines
25 are in the best interests of the state, all or any part of the following
26 real property, by January 1, 2015, after which date, if the property
27 has not been sold to the county, the director may sell to any other
28 party other than the County of Los Angeles, at market value
29 through a competitive bid process:

30 Approximately 27 acres of property, known as the Southern
31 Youth Correctional Reception Center and Clinic, currently
32 controlled by the California Department of Corrections and
33 Rehabilitation, located at 13200 South Bloomfield Avenue,
34 Norwalk, in the County of Los Angeles.

35 (b) To the extent bonds issued by the State Public Works Board
36 involve the property to be sold or leased pursuant to this section,
37 all issuer- and trustee-related costs associated with the review of
38 any proposed sale or lease, together with the costs related to the
39 defeasance or retirement of any bonds, which may include the cost

1 of nationally recognized bond counsel, shall be paid from the
2 proceeds of any sale or lease authorized by this section.

3 SEC. 7. Section 11552 of the Government Code is amended to
4 read:

5 11552. (a) Effective January 1, 1988, an annual salary of
6 eighty-five thousand four hundred two dollars (\$85,402) shall be
7 paid to each of the following:

8 (1) Commissioner of Financial Institutions.

9 (2) Commissioner of Corporations.

10 (3) Director of Transportation.

11 (4) Real Estate Commissioner.

12 (5) Director of Social Services.

13 (6) Director of Water Resources.

14 ~~(7) Chief Deputy Secretary for Adult Operations of the~~
15 ~~Department of Corrections and Rehabilitation.~~

16 ~~(8)~~

17 (7) Director of General Services.

18 ~~(9)~~

19 (8) Director of Motor Vehicles.

20 ~~(10) Chief Deputy Secretary for Juvenile Justice in the~~
21 ~~Department of Corrections and Rehabilitation.~~

22 ~~(11)~~

23 (9) Executive Officer of the Franchise Tax Board.

24 ~~(12)~~

25 (10) Director of Employment Development.

26 ~~(13)~~

27 (11) Director of Alcoholic Beverage Control.

28 ~~(14)~~

29 (12) Director of Housing and Community Development.

30 ~~(15)~~

31 (13) Director of Alcohol and Drug Programs.

32 ~~(16)~~

33 (14) Director of Statewide Health Planning and Development.

34 ~~(17)~~

35 (15) Director of the Department of Personnel Administration.

36 ~~(18)~~

37 (16) Director of Health Care Services.

38 ~~(19)~~

39 (17) Director of Mental Health.

40 ~~(20)~~

1 (18) Director of Developmental Services.
2 ~~(21)~~
3 (19) State Public Defender.
4 ~~(22)~~
5 (20) Director of the California State Lottery.
6 ~~(23)~~
7 (21) Director of Fish and Game.
8 ~~(24)~~
9 (22) Director of Parks and Recreation.
10 ~~(25)~~
11 (23) Director of Rehabilitation.
12 ~~(26)~~
13 (24) Director of the Office of Administrative Law.
14 ~~(27)~~
15 (25) Director of Consumer Affairs.
16 ~~(28)~~
17 (26) Director of Forestry and Fire Protection.
18 ~~(29)~~
19 (27) The Inspector General pursuant to Section 6125 of the
20 Penal Code.
21 ~~(30)~~
22 (28) Director of Child Support Services.
23 ~~(31)~~
24 (29) Director of Industrial Relations.
25 ~~(32) Chief Deputy Secretary for Adult Programs in the~~
26 ~~Department of Corrections and Rehabilitation.~~
27 ~~(33)~~
28 (30) Director of Toxic Substances Control.
29 ~~(34)~~
30 (31) Director of Pesticide Regulation.
31 ~~(35)~~
32 (32) Director of Managed Health Care.
33 ~~(36)~~
34 (33) Director of Environmental Health Hazard Assessment.
35 ~~(37)~~
36 (34) Director of Technology.
37 ~~(38)~~
38 (35) Director of California Bay-Delta Authority.
39 ~~(39)~~
40 (36) Director of California Conservation Corps.

(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

SEC. 8. Section 12838 of the Government Code is amended to read:

12838. (a) There is hereby created in state government the Department of Corrections and Rehabilitation, to be headed by a secretary, who shall be appointed by the Governor, subject to Senate confirmation, and shall serve at the pleasure of the Governor. The Department of Corrections and Rehabilitation shall consist of Adult Operations, Adult Programs, Juvenile Justice, the Corrections Standards Authority, the Board of Parole Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board.

(b) The Governor, upon recommendation of the secretary, may appoint two undersecretaries of the Department of Corrections and Rehabilitation, subject to Senate confirmation. The undersecretaries shall hold office at the pleasure of the Governor. One undersecretary shall oversee ~~program support administration and offender services~~ and the other undersecretary shall oversee ~~program~~ operations for the department.

~~(c) The Governor, upon recommendation of the secretary, shall appoint three chief deputy secretaries, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. One chief deputy secretary shall oversee adult operations, one chief deputy secretary shall oversee adult programs, and one chief deputy secretary shall oversee juvenile justice for the department.~~

~~(d) The Governor, upon recommendation of the secretary, shall appoint an assistant secretary, subject to Senate confirmation, who shall be responsible for health care policy for the department, and shall serve at the pleasure of the Governor.~~

~~(e)~~

(c) The Governor, upon recommendation of the secretary, shall appoint ~~an Assistant Secretary~~ *a Chief for the Office of Victim and Survivor Rights and Services*, and ~~an Assistant Secretary~~ *a Chief for the Office of Correctional Safety*, ~~who both of whom~~ shall serve at the pleasure of the Governor.

1 *SEC. 9. Section 12838.1 of the Government Code is amended*
2 *to read:*

3 12838.1. (a) *There is hereby created within the Department*
4 *of Corrections and Rehabilitation, under the Undersecretary for*
5 *Administration and Offender Services, the following divisions:*

6 (1) *The Division of Enterprise Information Services, the Division*
7 *of Health Care Services, the Division of Facility Planning,*
8 *Construction, and Management, and the Division of Administrative*
9 *Services. Each division shall be headed by a director, who shall*
10 *be appointed by the Governor, upon recommendation of the*
11 *secretary, subject to Senate confirmation, who shall serve at the*
12 *pleasure of the Governor.*

13 (2) *The Division of Internal Oversight and Research. This*
14 *division shall be headed by a director, who shall be appointed by*
15 *the Governor, upon recommendation of the secretary, who shall*
16 *serve at the pleasure of the Governor*

17 ~~(a)~~

18 (b) *There is hereby created within the Department of Corrections*
19 *and Rehabilitation, under the ~~Chief Deputy Secretary for Adult~~*
20 ~~*Operations*~~ *Undersecretary for Operations, the Division of Adult*
21 ~~*Institutions and, the Division of Adult Parole Operations, the*~~
22 ~~*Division of Juvenile Justice, and the Division of Rehabilitative*~~
23 ~~*Programs. Each division shall be headed by a division chief*~~
24 ~~*director, who shall be appointed by the Governor, upon*~~
25 ~~*recommendation of the secretary, subject to Senate confirmation,*~~
26 ~~*who shall serve at the pleasure of the Governor.*~~

27 ~~(b)~~

28 (c) *The Governor shall, upon recommendation of the secretary,*
29 ~~*appoint five*~~ *four subordinate officers to the ~~Chief of the~~ Division*
30 ~~*of Adult Institutions, subject to Senate confirmation, who shall*~~
31 ~~*serve at the pleasure of the Governor. Each subordinate officer*~~
32 ~~*appointed pursuant to this subdivision shall oversee an identified*~~
33 ~~*category of adult institutions, one of which shall be female offender*~~
34 ~~*facilities.*~~

35 (d) (1) *Unless the context clearly requires otherwise, whenever*
36 *the term “Chief Deputy Secretary for Adult Operations” appears*
37 *in any statute, regulation, or contract, it shall be construed to refer*
38 *to the Director of the Division of Adult Institutions.*

39 (2) *Unless the context clearly requires otherwise, whenever the*
40 *term “Chief Deputy Secretary for Adult Programs” appears in*

1 any statute, regulation, or contract, it shall be construed to refer
2 to the Director of the Division of Rehabilitative Programs.

3 (3) Unless the context clearly requires otherwise, whenever the
4 term “Chief Deputy Secretary for Juvenile Justice” appears in
5 any statute, regulation, or contract, it shall be construed to refer
6 to the Director of the Division of Juvenile Justice.

7 SEC. 10. Section 12838.2 of the Government Code is repealed.

8 ~~12838.2. There is hereby created within the Department of~~
9 ~~Corrections and Rehabilitation, under the Chief Deputy Secretary~~
10 ~~for Adult Programs, the Division of Community Partnerships, the~~
11 ~~Division of Education, Vocations and Offender Programs, and the~~
12 ~~Division of Correctional Health Care Services. Each division shall~~
13 ~~be headed by a chief who shall be appointed by the Governor, at~~
14 ~~the recommendation of the secretary, subject to Senate~~
15 ~~confirmation, who shall serve at the pleasure of the Governor.~~

16 SEC. 11. Section 12838.3 of the Government Code is repealed.

17 ~~12838.3. There is hereby created within the Department of~~
18 ~~Corrections and Rehabilitation under the Chief Deputy Secretary~~
19 ~~for Juvenile Justice, the Division of Juvenile Facilities, the Division~~
20 ~~of Juvenile Programs, and the Division of Juvenile Parole~~
21 ~~Operations. Each division shall be headed by a chief, who shall~~
22 ~~be appointed by the Governor, at the recommendation of the~~
23 ~~secretary, subject to Senate confirmation, who shall serve at the~~
24 ~~pleasure of the Governor.~~

25 SEC. 12. Section 12838.14 is added to the Government Code,
26 to read:

27 12838.14. (a) Notwithstanding any other provision of law,
28 money recovered by the Department of Corrections and
29 Rehabilitation from a union paid leave settlement agreement shall
30 be credited to the fiscal year in which the recovered money is
31 received. An amount not to exceed the amount of the money
32 received shall be available for expenditure to the Department of
33 Corrections and Rehabilitation for the fiscal year in which the
34 recovered money is received, upon approval of the Department of
35 Finance. If this statute is enacted on or after July 1, 2012, any
36 money received prior to July 1, 2012, for purposes of this section,
37 shall be available for expenditure for the 2012–13 fiscal year.

38 (b) The Department of Corrections and Rehabilitation shall
39 identify and report the total amount collected annually to the
40 Department of Finance.

1 (c) *This section shall become inoperative on June 30, 2021,*
2 *and, as of January 1, January 1, 2022, is repealed, unless a later*
3 *enacted statute, that becomes operative on or before January 1,*
4 *2022, deletes or extends the dates on which it becomes inoperative*
5 *and is repealed.*

6 SEC. 13. *Section 21221 of the Government Code is amended*
7 *to read:*

8 21221. A retired person may serve without reinstatement from
9 retirement or loss or interruption of benefits provided by this
10 system, as follows:

11 (a) As a member of any board, commission, or advisory
12 committee, upon appointment by the Governor, the Speaker of the
13 Assembly, the President pro Tempore of the Senate, director of a
14 state department, or the governing board of the contracting agency.
15 However, the appointment shall not be deemed employment within
16 the meaning of Division 4 (commencing with Section 3200) and
17 Division 4.5 (commencing with Section 6100) of the Labor Code,
18 and shall not provide a basis for the payment of workers'
19 compensation to a retired state employee or to his or her
20 dependents.

21 (b) As a school crossing guard.

22 (c) As a juror or election officer.

23 (d) As an elective officer on and after September 15, 1961.
24 However, all rights and immunities which may have accrued under
25 Section 21229 as it read prior to that section's repeal during the
26 1969 Regular Session of the Legislature are hereby preserved.

27 (e) As an appointive member of the governing body of a
28 contracting agency. However, the compensation for that office
29 shall not exceed one hundred dollars (\$100) per month.

30 (f) Upon appointment by the Legislature, or either house, or a
31 legislative committee to a position deemed by the appointing power
32 to be temporary in nature.

33 (g) Upon employment by a contracting agency to a position
34 found by the governing body, by resolution, to be available because
35 of a leave of absence granted to a person on payroll status for a
36 period not to exceed one year and found by the governing body to
37 require specialized skills. The temporary employment shall be
38 terminated at the end of the leave of absence. Appointments under
39 this section shall be reported to the board and shall be accompanied
40 by the resolution adopted by the governing body.

(h) Upon interim appointment by the governing body of a contracting agency to a vacant position during recruitment for a permanent appointment and deemed by the governing body to require specialized skills or during an emergency to prevent stoppage of public business. *A retired person shall only be appointed once to this vacant position.* These appointments, including any made concurrently pursuant to Section 21224 or 21229, shall not exceed a combined total ~~for all employers~~ of 960 hours ~~in any for all employers each~~ fiscal year. The compensation for the interim appointment shall not exceed the maximum ~~published monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule for the vacant position divided by 173.333 to equal an hourly rate.~~ When an appointment is expected to, or will, exceed 960 hours in any fiscal year, the governing body shall request approval from the board to extend the temporary employment. The governing body shall present a resolution to the board requesting action to allow or disallow the employment extension. The resolution shall be presented prior to the expiration of the 960-hour maximum for the fiscal year. The appointment shall continue until notification of the board's decision is received by the governing body. The appointment shall be deemed approved if the board fails to take action within 60 days of receiving the request. Appointments under this subdivision may not exceed a total of 12 months. The governing body of a contracting agency shall appoint a retired person only once under this subdivision. The interim appointment made under this subdivision shall not continue under Section 21224 or 21229 after the 12 months. *A retired person appointed to a vacant position pursuant to this section shall not receive any benefits, incentives, compensation in lieu of benefits, or any other forms of compensation in addition to the hourly rate. A retired annuitant appointed pursuant to this section shall not work more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.*

(i) Upon appointment by the Administrative Director of the Courts to the position of Court Security Coordinator, a position deemed temporary in nature and requiring the specialized skills and experience of a retired professional peace officer.

SEC. 14. *Section 21224 of the Government Code is amended to read:*

21224. (a) A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon temporary appointment by the appointing power of a state agency or public agency employer either during an emergency to prevent stoppage of public business or because the retired employee person has specialized skills needed in performing work of limited duration. These appointments shall not exceed a combined total of 960 hours for all employers of 960 hours in any fiscal year, and the rate of pay for the employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable duties each fiscal year. The compensation for the appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule divided by 173.333 to equal an hourly rate. A retired person appointed pursuant to this section shall not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. A retired annuitant appointed pursuant to this section shall not work more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.

(b) (1) This section shall not apply to any retired person otherwise eligible if during the 12-month period prior to an appointment described in this section the retired person received any unemployment insurance compensation arising out of prior employment subject to this section with the same employer.

(2) A retired person who accepts an appointment after receiving unemployment insurance compensation as described in this subdivision shall terminate that employment on the last day of the current pay period and shall not be eligible for reappointment subject to this section for a period of 12 months following the last day of employment. The retired person shall not be subject to Section 21202 or subdivision (b) of Section 21220.

SEC. 15. Section 21229 of the Government Code is amended to read:

21229. (a) A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon temporary appointment by a school employer or by the Trustees of the California State University either during an emergency to prevent stoppage of public business or because the

1 retired-employee *person* has specialized skills needed in performing
2 work of limited duration, ~~if that service does not exceed, in a fiscal~~
3 ~~year, a total of 960 hours for all employers. The retired person's~~
4 ~~rate of pay for this employment shall not be less than the minimum,~~
5 ~~nor exceed that paid by the employer to other employees~~
6 ~~performing comparable duties. These appointments shall not exceed~~
7 ~~a combined total of 960 hours for all employers each fiscal year.~~
8 *The compensation for the appointment shall not exceed the*
9 *maximum monthly base salary paid to other employees performing*
10 *comparable duties as listed on a publicly available pay schedule*
11 *divided by 173.333 to equal an hourly rate. A retired person*
12 *appointed pursuant to this section shall not receive any benefits,*
13 *incentives, compensation in lieu of benefits, or other forms of*
14 *compensation in addition to the hourly rate. A retired annuitant*
15 *appointed pursuant to this section shall not work more than 960*
16 *hours each fiscal year regardless of whether he or she works for*
17 *one or more employers.*

18 (b) (1) This section shall not apply to a retired person otherwise
19 eligible to serve without reinstatement from retirement, if during
20 the 12-month period prior to an appointment described in this
21 section, that retired person receives unemployment insurance
22 compensation arising out of prior employment subject to this
23 section with the same employer.

24 (2) A retired person who accepts an appointment after receiving
25 unemployment insurance compensation as described in this
26 subdivision shall terminate that employment on the last day of the
27 current pay period and shall not be eligible for reappointment
28 subject to this section for a period of 12 months following the last
29 day of employment. The retired person shall not be subject to
30 Section 21202 or subdivision (b) of Section 21220.

31 *SEC. 16. Section 68085 of the Government Code is amended*
32 *to read:*

33 68085. (a) (1) There is hereby established the Trial Court
34 Trust Fund, the proceeds of which shall be apportioned for the
35 purposes authorized in this section, including apportionment to
36 the trial courts to fund trial court operations, as defined in Section
37 77003.

38 (2) The apportionment payments shall be made by the
39 Controller. The final payment from the Trial Court Trust Fund for

1 each fiscal year shall be made on or before August 31 of the
2 subsequent fiscal year.

3 (A) Notwithstanding any other provision of law, in order to
4 promote statewide efficiency, the Judicial Council may authorize
5 the direct payment or reimbursement or both of actual costs from
6 the Trial Court Trust Fund or the *State Trial Court Improvement*
7 *and Modernization* Fund to fund the costs of operating one or more
8 trial courts upon the ~~consent of~~ *authorization of the* participating
9 courts. These paid or reimbursed costs may be for services provided
10 to the court or courts by the Administrative Office of the Courts
11 or payment for services or property of any kind contracted for by
12 the court or courts or on behalf of the courts by the Administrative
13 Office of the Courts. The amount of appropriations from the *State*
14 *Trial Court Improvement and Modernization* Fund under this
15 subdivision may not exceed 20 percent of the amount deposited
16 in the *State Trial Court Improvement and Modernization* Fund
17 pursuant to subdivision (a) of Section 77205. The direct payment
18 or reimbursement of costs from the Trial Court Trust Fund may
19 be supported by the reduction of a participating court's allocation
20 from the Trial Court Trust Fund to the extent that the court's
21 expenditures for the program are reduced and the court is supported
22 by the expenditure. The Judicial Council shall provide the affected
23 trial courts with quarterly reports on expenditures from the Trial
24 Court Trust Fund incurred as authorized by this subdivision. The
25 Judicial Council shall establish procedures to provide for the
26 administration of this paragraph in a way that promotes the
27 effective, efficient, reliable, and accountable operation of the trial
28 courts.

29 (B) As used in subparagraph (A), the term "costs of operating
30 one or more trial courts" includes any expenses related to operation
31 of the court or performance of its functions, including, but not
32 limited to, statewide administrative and information technology
33 infrastructure supporting the courts. The term "costs of operating
34 one or more trial courts" is not restricted to items considered "court
35 operations" pursuant to Section 77003, but is subject to policies,
36 procedures, and criteria established by the Judicial Council, and
37 may not include an item that is a cost that must otherwise be paid
38 by the county or city and county in which the court is located.

39 (b) Notwithstanding any other provision of law, the fees listed
40 in subdivision (c) shall all be deposited upon collection in a special

1 account in the county treasury, and transmitted monthly to the
2 State Treasury for deposit in the Trial Court Trust Fund.

3 (c) (1) Except as specified in subdivision (d), this section applies
4 to all fees collected on or before December 31, 2005, pursuant to
5 Sections 631.3, 116.230, and 403.060 of the Code of Civil
6 Procedure and Sections 26820.4, 26823, 26826, 26826.01, 26827,
7 26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1,
8 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862,
9 68086, 72055, 72056, 72056.01, and 72060.

10 (2) Notwithstanding any other provision of law, except as
11 specified in subdivision (d) of this section and subdivision (a) of
12 Section 68085.7, this section applies to all fees and fines collected
13 on or before December 31, 2005, pursuant to Sections 116.390,
14 116.570, 116.760, 116.860, 177.5, 491.150, 704.750, 708.160,
15 724.100, 1134, 1161.2, and 1218 of the Code of Civil Procedure,
16 Sections 26824, 26828, 26829, 26834, and 72059 of the
17 Government Code, and subdivisions (b) and (c) of Section 166
18 and Section 1214.1 of the Penal Code.

19 (3) If any of the fees provided for in this subdivision are partially
20 waived by court order, and the fee is to be divided between the
21 Trial Court Trust Fund and any other fund, the amount of the partial
22 waiver shall be deducted from the amount to be distributed to each
23 fund in the same proportion as the amount of each distribution
24 bears to the total amount of the fee.

25 (d) This section does not apply to that portion of a filing fee
26 collected pursuant to Section 26820.4, 26826, 26827, 72055, or
27 72056 that is allocated for dispute resolution pursuant to Section
28 470.3 of the Business and Professions Code, the county law library
29 pursuant to Section 6320 of the Business and Professions Code,
30 the Judges' Retirement Fund pursuant to Section 26822.3,
31 automated recordkeeping or conversion to micrographics pursuant
32 to Sections 26863 and 68090.7, and courthouse financing pursuant
33 to Section 76238. This section also does not apply to fees collected
34 pursuant to subdivisions (a) and (c) of Section 27361.

35 (e) This section applies to all payments required to be made to
36 the State Treasury by any county or city and county pursuant to
37 Section 77201, 77201.1, or 77205.

38 (f) Notwithstanding any other provision of law, no agency may
39 take action to change the amounts allocated to any of the funds
40 described in subdivision (a), (b), (c), or (d).

1 (g) The Judicial Council shall reimburse the Controller for the
2 actual administrative costs that will be incurred under this section.
3 Costs reimbursed under this section shall be determined on an
4 annual basis in consultation with the Judicial Council.

5 (h) Any amounts required to be transmitted by a county or city
6 and county to the state pursuant to this section shall be remitted
7 to the State Treasury no later than 45 days after the end of the
8 month in which the fees were collected. This remittance shall be
9 accompanied by a remittance advice identifying the collection
10 month and the appropriate account in the Trial Court Trust Fund
11 to which it is to be deposited. Any remittance that is not made by
12 the county or city and county in accordance with this section shall
13 be considered delinquent, and subject to the interest and penalties
14 specified in this section.

15 (i) Upon receipt of any delinquent payment required pursuant
16 to this section, the Controller shall do the following:

17 (1) Calculate interest on the delinquent payment by multiplying
18 the amount of the delinquent payment at a daily rate equivalent to
19 the rate of return of money deposited in the Local Agency
20 Investment Fund pursuant to Section 16429.1 from the date the
21 payment was originally due to either 30 days after the date of the
22 issuance by the Controller of the final audit report concerning the
23 failure to pay or the date of payment by the entity responsible for
24 the delinquent payment, whichever comes first.

25 (2) Calculate a penalty at a daily rate equivalent to 1 ½ percent
26 per month from the date 30 days after the date of the issuance by
27 the Controller of the final audit report concerning the failure to
28 pay.

29 (j) (1) Interest or penalty amounts calculated pursuant to
30 subdivision (i) shall be paid by the county, city and county, or
31 court to the Trial Court Trust Fund no later than 45 days after the
32 end of the month in which the interest or penalty was calculated.
33 Payment shall be made by the entity responsible for the error or
34 other action that caused the failure to pay, as determined by the
35 Controller in notice given to that party by the Controller.

36 (2) Notwithstanding Section 77009, any interest or penalty on
37 a delinquent payment that a court is required to make pursuant to
38 this section and Section 24353 shall be paid from the Trial Court
39 Operations Fund for that court.

1 (3) The Controller may permit a county, city and county, or
2 court to pay the interest or penalty amounts according to a payment
3 schedule in the event of a large interest or penalty amount that
4 causes a hardship to the paying entity.

5 (4) The party responsible for the error or other action that caused
6 the failure to pay may include, but is not limited to, the party that
7 collected the funds who is not the party responsible for remitting
8 the funds to the Trial Court Trust Fund, if the collecting party
9 failed or delayed in providing the remitting party with sufficient
10 information needed by the remitting party to distribute the funds.

11 (k) The Trial Court Trust Fund shall be invested in the Surplus
12 Money Investment Fund and all interest earned shall be allocated
13 to the Trial Court Trust Fund quarterly and shall be allocated
14 among the courts in accordance with the requirements of
15 subdivision (a). ~~The specific allocations shall be specified by the~~
16 ~~Judicial Council.~~

17 (l) It is the intent of the Legislature that the revenues required
18 to be deposited into the Trial Court Trust Fund be remitted as soon
19 after collection by the courts as possible.

20 (m) Except for subdivisions (a) and (k), this section does not
21 apply to fees and fines that are listed in subdivision (a) of Section
22 68085.1 that are collected on or after January 1, 2006.

23 (n) The changes made to subdivisions (i) and (j) of this section
24 by the act adding this subdivision shall apply to all delinquent
25 payments for which no final audit has been issued by the Controller
26 prior to January 1, 2008.

27 (o) *The Judicial Council shall not expend any of these funds on*
28 *the system known as the Court Case Management System without*
29 *consent from the Legislature, except for the maintenance and*
30 *operation of Court Case Management System Version 2 and*
31 *Version 3.*

32 (p) *This section shall remain in effect only until January 1, 2013,*
33 *and as of that date is repealed, unless a later enacted statute, that*
34 *is enacted before January 1, 2013, deletes or extends that date.*

35 SEC. 17. *Section 68085 is added to the Government Code, to*
36 *read:*

37 68085. (a) (1) *There is hereby established the Trial Court*
38 *Trust Fund, the proceeds of which shall be apportioned for the*
39 *purposes authorized in this section, including apportionment to*

1 *the trial courts to fund trial court operations, as defined in Section*
2 *77003.*

3 *(2) The apportionment payments shall be made by the*
4 *Controller. The final payment from the Trial Court Trust Fund for*
5 *each fiscal year shall be made on or before August 31 of the*
6 *subsequent fiscal year.*

7 *(A) Notwithstanding any other provision of law, in order to*
8 *promote statewide efficiency, the Judicial Council may authorize*
9 *the direct payment or reimbursement or both of actual costs from*
10 *the Trial Court Trust Fund or the State Trial Court Improvement*
11 *and Modernization Fund to fund the costs of operating one or*
12 *more trial courts upon the authorization of the participating courts.*
13 *These paid or reimbursed costs may be for services provided to*
14 *the court or courts by the Administrative Office of the Courts or*
15 *payment for services or property of any kind contracted for by the*
16 *court or courts or on behalf of the courts by the Administrative*
17 *Office of the Courts. The amount of appropriations from the State*
18 *Trial Court Improvement and Modernization Fund under this*
19 *subdivision may not exceed 20 percent of the amount deposited in*
20 *the State Trial Court Improvement and Modernization Fund*
21 *pursuant to subdivision (a) of Section 77205. The direct payment*
22 *or reimbursement of costs from the Trial Court Trust Fund may*
23 *be supported by the reduction of a participating court's allocation*
24 *from the Trial Court Trust Fund to the extent that the court's*
25 *expenditures for the program are reduced and the court is*
26 *supported by the expenditure. The Judicial Council shall provide*
27 *the affected trial courts with quarterly reports on expenditures*
28 *from the Trial Court Trust Fund incurred as authorized by this*
29 *subdivision. The Judicial Council shall establish procedures to*
30 *provide for the administration of this paragraph in a way that*
31 *promotes the effective, efficient, reliable, and accountable*
32 *operation of the trial courts.*

33 *(B) As used in subparagraph (A), the term "costs of operating*
34 *one or more trial courts" includes any expenses related to*
35 *operation of the court or performance of its functions, including,*
36 *but not limited to, statewide administrative and information*
37 *technology infrastructure supporting the courts. The term "costs*
38 *of operating one or more trial courts" is not restricted to items*
39 *considered "court operations" pursuant to Section 77003, but is*
40 *subject to policies, procedures, and criteria established by the*

1 *Judicial Council, and may not include an item that is a cost that*
2 *must otherwise be paid by the county or city and county in which*
3 *the court is located.*

4 *(b) Notwithstanding any other provision of law, the fees listed*
5 *in subdivision (c) shall all be deposited upon collection in a special*
6 *account in the county treasury, and transmitted monthly to the*
7 *State Treasury for deposit in the Trial Court Trust Fund.*

8 *(c) (1) Except as specified in subdivision (d), this section applies*
9 *to all fees collected on or before December 31, 2005, pursuant to*
10 *Sections 631.3, 116.230, and 403.060 of the Code of Civil*
11 *Procedure and Sections 26820.4, 26823, 26826, 26826.01, 26827,*
12 *26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1,*
13 *26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862,*
14 *68086, 72055, 72056, 72056.01, and 72060.*

15 *(2) Notwithstanding any other provision of law, except as*
16 *specified in subdivision (d) of this section and subdivision (a) of*
17 *Section 68085.7, this section applies to all fees and fines collected*
18 *on or before December 31, 2005, pursuant to Sections 116.390,*
19 *116.570, 116.760, 116.860, 177.5, 491.150, 704.750, 708.160,*
20 *724.100, 1134, 1161.2, and 1218 of the Code of Civil Procedure,*
21 *Sections 26824, 26828, 26829, 26834, and 72059 of the*
22 *Government Code, and subdivisions (b) and (c) of Section 166 and*
23 *Section 1214.1 of the Penal Code.*

24 *(3) If any of the fees provided for in this subdivision are partially*
25 *waived by court order, and the fee is to be divided between the*
26 *Trial Court Trust Fund and any other fund, the amount of the*
27 *partial waiver shall be deducted from the amount to be distributed*
28 *to each fund in the same proportion as the amount of each*
29 *distribution bears to the total amount of the fee.*

30 *(d) This section does not apply to that portion of a filing fee*
31 *collected pursuant to Section 26820.4, 26826, 26827, 72055, or*
32 *72056 that is allocated for dispute resolution pursuant to Section*
33 *470.3 of the Business and Professions Code, the county law library*
34 *pursuant to Section 6320 of the Business and Professions Code,*
35 *the Judges' Retirement Fund pursuant to Section 26822.3,*
36 *automated recordkeeping or conversion to micrographics pursuant*
37 *to Sections 26863 and 68090.7, and courthouse financing pursuant*
38 *to Section 76238. This section also does not apply to fees collected*
39 *pursuant to subdivisions (a) and (c) of Section 27361.*

1 (e) *This section applies to all payments required to be made to*
2 *the State Treasury by any county or city and county pursuant to*
3 *Section 77201, 77201.1, or 77205.*

4 (f) *Notwithstanding any other provision of law, no agency may*
5 *take action to change the amounts allocated to any of the funds*
6 *described in subdivision (a), (b), (c), or (d).*

7 (g) *The Judicial Council shall reimburse the Controller for the*
8 *actual administrative costs that will be incurred under this section.*
9 *Costs reimbursed under this section shall be determined on an*
10 *annual basis in consultation with the Judicial Council.*

11 (h) *Any amounts required to be transmitted by a county or city*
12 *and county to the state pursuant to this section shall be remitted*
13 *to the State Treasury no later than 45 days after the end of the*
14 *month in which the fees were collected. This remittance shall be*
15 *accompanied by a remittance advice identifying the collection*
16 *month and the appropriate account in the Trial Court Trust Fund*
17 *to which it is to be deposited. Any remittance that is not made by*
18 *the county or city and county in accordance with this section shall*
19 *be considered delinquent, and subject to the interest and penalties*
20 *specified in this section.*

21 (i) *Upon receipt of any delinquent payment required pursuant*
22 *to this section, the Controller shall do the following:*

23 (1) *Calculate interest on the delinquent payment by multiplying*
24 *the amount of the delinquent payment at a daily rate equivalent*
25 *to the rate of return of money deposited in the Local Agency*
26 *Investment Fund pursuant to Section 16429.1 from the date the*
27 *payment was originally due to either 30 days after the date of the*
28 *issuance by the Controller of the final audit report concerning the*
29 *failure to pay or the date of payment by the entity responsible for*
30 *the delinquent payment, whichever comes first.*

31 (2) *Calculate a penalty at a daily rate equivalent to 1½ percent*
32 *per month from the date 30 days after the date of the issuance by*
33 *the Controller of the final audit report concerning the failure to*
34 *pay.*

35 (j) *(1) Interest or penalty amounts calculated pursuant to*
36 *subdivision (i) shall be paid by the county, city and county, or*
37 *court to the Trial Court Trust Fund no later than 45 days after the*
38 *end of the month in which the interest or penalty was calculated.*
39 *Payment shall be made by the entity responsible for the error or*

1 *other action that caused the failure to pay, as determined by the*
2 *Controller in notice given to that party by the Controller.*

3 *(2) Notwithstanding Section 77009, any interest or penalty on*
4 *a delinquent payment that a court is required to make pursuant to*
5 *this section and Section 24353 shall be paid from the Trial Court*
6 *Operations Fund for that court.*

7 *(3) The Controller may permit a county, city and county, or*
8 *court to pay the interest or penalty amounts according to a payment*
9 *schedule in the event of a large interest or penalty amount that*
10 *causes a hardship to the paying entity.*

11 *(4) The party responsible for the error or other action that*
12 *caused the failure to pay may include, but is not limited to, the*
13 *party that collected the funds who is not the party responsible for*
14 *remitting the funds to the Trial Court Trust Fund, if the collecting*
15 *party failed or delayed in providing the remitting party with*
16 *sufficient information needed by the remitting party to distribute*
17 *the funds.*

18 *(k) The Trial Court Trust Fund shall be invested in the Surplus*
19 *Money Investment Fund and all interest earned shall be allocated*
20 *to the Trial Court Trust Fund quarterly and shall be allocated*
21 *among the courts in accordance with the requirements of*
22 *subdivision (a).*

23 *(l) It is the intent of the Legislature that the revenues required*
24 *to be deposited into the Trial Court Trust Fund be remitted as*
25 *soon after collection by the courts as possible.*

26 *(m) Except for subdivisions (a) and (k), this section does not*
27 *apply to fees and fines that are listed in subdivision (a) of Section*
28 *68085.1 that are collected on or after January 1, 2006.*

29 *(n) The changes made to subdivisions (i) and (j) of this section*
30 *by the act adding this subdivision shall apply to all delinquent*
31 *payments for which no final audit has been issued by the Controller*
32 *prior to January 1, 2008.*

33 *(o) The Judicial Council shall not expend any of these funds on*
34 *the system known as the Court Case Management System without*
35 *consent from the Legislature, except for the maintenance and*
36 *operation of Court Case Management System Version 2 and*
37 *Version 3.*

38 *(p) Nothing in this section or any other provision of law shall*
39 *be construed to authorize the Judicial Council to redirect funds*
40 *from the Trial Court Trust Fund for any purpose other than for*

1 *allocation to trial courts or as otherwise specifically appropriated*
2 *by statute.*

3 *(q) This section shall become operative on January 1, 2013.*

4 *SEC. 18. Section 68085.1 of the Government Code, as amended*
5 *by Section 4 of Chapter 457 of the Statutes of 2009, is amended*
6 *to read:*

7 68085.1. (a) This section applies to all fees and fines that are
8 collected on or after January 1, 2006, under all of the following:

9 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
10 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,
11 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
12 Section 411.21 of, *subdivision (b) of Section 631 of*, and Chapter
13 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the
14 Code of Civil Procedure.

15 (2) Section 3112 of the Family Code.

16 (3) Section 31622 of the Food and Agricultural Code.

17 (4) Subdivision (d) of Section 6103.5, Sections 68086 and
18 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and
19 69953.5, and Chapter 5.8 (commencing with Section 70600).

20 (5) Section 103470 of the Health and Safety Code.

21 (6) Subdivisions (b) and (c) of Section 166 and Section 1214.1
22 of the Penal Code.

23 (7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate
24 Code.

25 (8) Sections 14607.6 and 16373 of the Vehicle Code.

26 (9) Section 71386 of this code, Sections 304, 7851.5, and 9002
27 of the Family Code, and Section 1513.1 of the Probate Code, if
28 the reimbursement is for expenses incurred by the court.

29 (10) Section 3153 of the Family Code, if the amount is paid to
30 the court for the cost of counsel appointed by the court to represent
31 a child.

32 (b) On and after January 1, 2006, each superior court shall
33 deposit all fees and fines listed in subdivision (a), as soon as
34 practicable after collection and on a regular basis, into a bank
35 account established for this purpose by the Administrative Office
36 of the Courts. Upon direction of the Administrative Office of the
37 Courts, the county shall deposit civil assessments under Section
38 1214.1 of the Penal Code and any other money it collects under
39 the sections listed in subdivision (a) as soon as practicable after
40 collection and on a regular basis into the bank account established

1 for this purpose and specified by the Administrative Office of the
2 Courts. The deposits shall be made as required by rules adopted
3 by, and financial policies and procedures authorized by, the Judicial
4 Council under subdivision (a) of Section 77206. Within 15 days
5 after the end of the month in which the fees and fines are collected,
6 each court, and each county that collects any fines or fees under
7 subdivision (a), shall provide the Administrative Office of the
8 Courts with a report of the fees by categories as specified by the
9 Administrative Office of the Courts. The Administrative Office
10 of the Courts and any court may agree upon a time period greater
11 than 15 days, but in no case more than 30 days after the end of the
12 month in which the fees and fines are collected. The fees and fines
13 listed in subdivision (a) shall be distributed as provided in this
14 section.

15 (c) (1) Within 45 calendar days after the end of the month in
16 which the fees and fines listed in subdivision (a) are collected, the
17 Administrative Office of the Courts shall make the following
18 distributions:

19 (A) To the small claims advisory services, as described in
20 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

21 (B) To dispute resolution programs, as described in subdivision
22 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

23 (C) To the county law library funds, as described in Sections
24 116.230 and 116.760 of the Code of Civil Procedure, subdivision
25 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
26 Section 70621 of this code, and Section 14607.6 of the Vehicle
27 Code.

28 (D) To the courthouse construction funds in the Counties of
29 Riverside, San Bernardino, and San Francisco, as described in
30 Sections 70622, 70624, and 70625.

31 (E) Commencing July 1, 2011, to the Trial Court Trust Fund,
32 as described in subdivision (d) of Section 70626, to be used by the
33 Judicial Council to implement and administer the civil
34 representation pilot program under Section 68651.

35 (2) If any distribution under this subdivision is delinquent, the
36 Administrative Office of the Courts shall add a penalty to the
37 distribution as specified in subdivision (i).

38 (d) Within 45 calendar days after the end of the month in which
39 the fees and fines listed in subdivision (a) are collected, the
40 amounts remaining after the distributions in subdivision (c) shall

1 be transmitted to the State Treasury for deposit in the Trial Court
2 Trust Fund and other funds as required by law. This remittance
3 shall be accompanied by a remittance advice identifying the
4 collection month and the appropriate account in the Trial Court
5 Trust Fund or other fund to which it is to be deposited. Upon the
6 receipt of any delinquent payment required under this subdivision,
7 the Controller shall calculate a penalty as provided under
8 subdivision (i).

9 (e) From the money transmitted to the State Treasury under
10 subdivision (d), the Controller shall make deposits as follows:

11 (1) Into the State Court Facilities Construction Fund, the Judges'
12 Retirement Fund, and the Equal Access Fund, as described in
13 subdivision (c) of Section 68085.3 and subdivision (c) of Section
14 68085.4.

15 (2) Into the Health Statistics Special Fund, as described in
16 subdivision (b) of Section 70670 of this code and Section 103730
17 of the Health and Safety Code.

18 (3) Into the Family Law Trust Fund, as described in Section
19 70674.

20 (4) Into the Immediate and Critical Needs Account of the State
21 Court Facilities Construction Fund, established in Section 70371.5,
22 as described in Sections 68085.3, 68085.4, and 70657.5, and
23 subdivision (e) of Section 70617.

24 (5) The remainder of the money shall be deposited into the Trial
25 Court Trust Fund.

26 (f) The amounts collected by each superior court under Section
27 116.232, subdivision (g) of Section 411.20, and subdivision (g) of
28 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
29 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
30 Section 6103.5, subdivision (d) of Section 68511.3 and Sections
31 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
32 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
33 Probate Code shall be added to the monthly apportionment for that
34 court under subdivision (a) of Section 68085.

35 (g) If any of the fees provided in subdivision (a) are partially
36 waived by court order or otherwise reduced, and the fee is to be
37 divided between the Trial Court Trust Fund and any other fund or
38 account, the amount of the reduction shall be deducted from the
39 amount to be distributed to each fund in the same proportion as
40 the amount of each distribution bears to the total amount of the

1 fee. If the fee is paid by installment payments, the amount
2 distributed to each fund or account from each installment shall
3 bear the same proportion to the installment payment as the full
4 distribution to that fund or account does to the full fee. If a court
5 collects a fee that was incurred before January 1, 2006, under a
6 provision that was the predecessor to one of the paragraphs
7 contained in subdivision (a), the fee may be deposited as if it were
8 collected under the paragraph of subdivision (a) that corresponds
9 to the predecessor of that paragraph and distributed in prorated
10 amounts to each fund or account to which the fee in subdivision
11 (a) must be distributed.

12 (h) Except as provided in Sections 470.5 and 6322.1 of the
13 Business and Professions Code, and Sections 70622, 70624, and
14 70625 of this code, no agency may take action to change the
15 amounts allocated to any of the funds described in subdivision (c),
16 (d), or (e).

17 (i) The amount of the penalty on any delinquent payment under
18 subdivision (c) or (d) shall be calculated by multiplying the amount
19 of the delinquent payment at a daily rate equivalent to 1 ½ percent
20 per month for the number of days the payment is delinquent. The
21 penalty shall be paid from the Trial Court Trust Fund. Penalties
22 on delinquent payments under subdivision (d) shall be calculated
23 only on the amounts to be distributed to the Trial Court Trust Fund
24 and the State Court Facilities Construction Fund, and each penalty
25 shall be distributed proportionately to the funds to which the
26 delinquent payment was to be distributed.

27 (j) If a delinquent payment under subdivision (c) or (d) results
28 from a delinquency by a superior court under subdivision (b), the
29 court shall reimburse the Trial Court Trust Fund for the amount
30 of the penalty. Notwithstanding Section 77009, any penalty on a
31 delinquent payment that a court is required to reimburse pursuant
32 to this section shall be paid from the court operations fund for that
33 court. The penalty shall be paid by the court to the Trial Court
34 Trust Fund no later than 45 days after the end of the month in
35 which the penalty was calculated. If the penalty is not paid within
36 the specified time, the Administrative Office of the Courts may
37 reduce the amount of a subsequent monthly allocation to the court
38 by the amount of the penalty on the delinquent payment.

39 (k) If a delinquent payment under subdivision (c) or (d) results
40 from a delinquency by a county in transmitting fees and fines listed

1 in subdivision (a) to the bank account established for this purpose,
2 as described in subdivision (b), the county shall reimburse the Trial
3 Court Trust Fund for the amount of the penalty. The penalty shall
4 be paid by the county to the Trial Court Trust Fund no later than
5 45 days after the end of the month in which the penalty was
6 calculated.

7 (l) This section shall become inoperative on July 1, 2017, and,
8 as of January 1, 2018, is repealed, unless a later enacted statute,
9 that becomes operative on or before January 1, 2018, deletes or
10 extends the dates on which it becomes inoperative and is repealed.

11 *SEC. 19. Section 68085.1 of the Government Code, as added*
12 *by Section 5 of Chapter 457 of the Statutes of 2009, is amended*
13 *to read:*

14 68085.1. (a) This section applies to all fees and fines that are
15 collected on or after January 1, 2006, under all of the following:

16 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
17 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,
18 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
19 Section 411.21 of, *subdivision (b) of Section 631 of*, and Chapter
20 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the
21 Code of Civil Procedure.

22 (2) Section 3112 of the Family Code.

23 (3) Section 31622 of the Food and Agricultural Code.

24 (4) Subdivision (d) of Section 6103.5, Sections 68086 and
25 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and
26 69953.5, and Chapter 5.8 (commencing with Section 70600).

27 (5) Section 103470 of the Health and Safety Code.

28 (6) Subdivisions (b) and (c) of Section 166 and Section 1214.1
29 of the Penal Code.

30 (7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate
31 Code.

32 (8) Sections 14607.6 and 16373 of the Vehicle Code.

33 (9) Section 71386 of this code, Sections 304, 7851.5, and 9002
34 of the Family Code, and Section 1513.1 of the Probate Code, if
35 the reimbursement is for expenses incurred by the court.

36 (10) Section 3153 of the Family Code, if the amount is paid to
37 the court for the cost of counsel appointed by the court to represent
38 a child.

39 (b) On and after January 1, 2006, each superior court shall
40 deposit all fees and fines listed in subdivision (a), as soon as

1 practicable after collection and on a regular basis, into a bank
2 account established for this purpose by the Administrative Office
3 of the Courts. Upon direction of the Administrative Office of the
4 Courts, the county shall deposit civil assessments under Section
5 1214.1 of the Penal Code and any other money it collects under
6 the sections listed in subdivision (a) as soon as practicable after
7 collection and on a regular basis into the bank account established
8 for this purpose and specified by the Administrative Office of the
9 Courts. The deposits shall be made as required by rules adopted
10 by, and financial policies and procedures authorized by, the Judicial
11 Council under subdivision (a) of Section 77206. Within 15 days
12 after the end of the month in which the fees and fines are collected,
13 each court, and each county that collects any fines or fees under
14 subdivision (a), shall provide the Administrative Office of the
15 Courts with a report of the fees by categories as specified by the
16 Administrative Office of the Courts. The Administrative Office
17 of the Courts and any court may agree upon a time period greater
18 than 15 days, but in no case more than 30 days after the end of the
19 month in which the fees and fines are collected. The fees and fines
20 listed in subdivision (a) shall be distributed as provided in this
21 section.

22 (c) (1) Within 45 calendar days after the end of the month in
23 which the fees and fines listed in subdivision (a) are collected, the
24 Administrative Office of the Courts shall make the following
25 distributions:

26 (A) To the small claims advisory services, as described in
27 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

28 (B) To dispute resolution programs, as described in subdivision
29 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

30 (C) To the county law library funds, as described in Sections
31 116.230 and 116.760 of the Code of Civil Procedure, subdivision
32 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
33 Section 70621 of this code, and Section 14607.6 of the Vehicle
34 Code.

35 (D) To the courthouse construction funds in the Counties of
36 Riverside, San Bernardino, and San Francisco, as described in
37 Sections 70622, 70624, and 70625.

38 (2) If any distribution under this subdivision is delinquent, the
39 Administrative Office of the Courts shall add a penalty to the
40 distribution as specified in subdivision (i).

1 (d) Within 45 calendar days after the end of the month in which
2 the fees and fines listed in subdivision (a) are collected, the
3 amounts remaining after the distributions in subdivision (c) shall
4 be transmitted to the State Treasury for deposit in the Trial Court
5 Trust Fund and other funds as required by law. This remittance
6 shall be accompanied by a remittance advice identifying the
7 collection month and the appropriate account in the Trial Court
8 Trust Fund or other fund to which it is to be deposited. Upon the
9 receipt of any delinquent payment required under this subdivision,
10 the Controller shall calculate a penalty as provided under
11 subdivision (i).

12 (e) From the money transmitted to the State Treasury under
13 subdivision (d), the Controller shall make deposits as follows:

14 (1) Into the State Court Facilities Construction Fund, the Judges'
15 Retirement Fund, and the Equal Access Fund, as described in
16 subdivision (c) of Section 68085.3 and subdivision (c) of Section
17 68085.4.

18 (2) Into the Health Statistics Special Fund, as described in
19 subdivision (b) of Section 70670 of this code and Section 103730
20 of the Health and Safety Code.

21 (3) Into the Family Law Trust Fund, as described in Section
22 70674.

23 (4) Into the Immediate and Critical Needs Account of the State
24 Court Facilities Construction Fund, established in Section 70371.5,
25 as described in Sections 68085.3, 68085.4, and 70657.5, and
26 subdivision (e) of Section 70617.

27 (5) The remainder of the money shall be deposited into the Trial
28 Court Trust Fund.

29 (f) The amounts collected by each superior court under Section
30 116.232, subdivision (g) of Section 411.20, and subdivision (g) of
31 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
32 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
33 Section 6103.5, subdivision (d) of Section 68511.3 and Sections
34 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
35 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
36 Probate Code shall be added to the monthly apportionment for that
37 court under subdivision (a) of Section 68085.

38 (g) If any of the fees provided in subdivision (a) are partially
39 waived by court order or otherwise reduced, and the fee is to be
40 divided between the Trial Court Trust Fund and any other fund or

1 account, the amount of the reduction shall be deducted from the
2 amount to be distributed to each fund in the same proportion as
3 the amount of each distribution bears to the total amount of the
4 fee. If the fee is paid by installment payments, the amount
5 distributed to each fund or account from each installment shall
6 bear the same proportion to the installment payment as the full
7 distribution to that fund or account does to the full fee. If a court
8 collects a fee that was incurred before January 1, 2006, under a
9 provision that was the predecessor to one of the paragraphs
10 contained in subdivision (a), the fee may be deposited as if it were
11 collected under the paragraph of subdivision (a) that corresponds
12 to the predecessor of that paragraph and distributed in prorated
13 amounts to each fund or account to which the fee in subdivision
14 (a) must be distributed.

15 (h) Except as provided in Sections 470.5 and 6322.1 of the
16 Business and Professions Code, and Sections 70622, 70624, and
17 70625 of this code, no agency may take action to change the
18 amounts allocated to any of the funds described in subdivision (c),
19 (d), or (e).

20 (i) The amount of the penalty on any delinquent payment under
21 subdivision (c) or (d) shall be calculated by multiplying the amount
22 of the delinquent payment at a daily rate equivalent to 1 ½ percent
23 per month for the number of days the payment is delinquent. The
24 penalty shall be paid from the Trial Court Trust Fund. Penalties
25 on delinquent payments under subdivision (d) shall be calculated
26 only on the amounts to be distributed to the Trial Court Trust Fund
27 and the State Court Facilities Construction Fund, and each penalty
28 shall be distributed proportionately to the funds to which the
29 delinquent payment was to be distributed.

30 (j) If a delinquent payment under subdivision (c) or (d) results
31 from a delinquency by a superior court under subdivision (b), the
32 court shall reimburse the Trial Court Trust Fund for the amount
33 of the penalty. Notwithstanding Section 77009, any penalty on a
34 delinquent payment that a court is required to reimburse pursuant
35 to this section shall be paid from the court operations fund for that
36 court. The penalty shall be paid by the court to the Trial Court
37 Trust Fund no later than 45 days after the end of the month in
38 which the penalty was calculated. If the penalty is not paid within
39 the specified time, the Administrative Office of the Courts may

1 reduce the amount of a subsequent monthly allocation to the court
2 by the amount of the penalty on the delinquent payment.

3 (k) If a delinquent payment under subdivision (c) or (d) results
4 from a delinquency by a county in transmitting fees and fines listed
5 in subdivision (a) to the bank account established for this purpose,
6 as described in subdivision (b), the county shall reimburse the Trial
7 Court Trust Fund for the amount of the penalty. The penalty shall
8 be paid by the county to the Trial Court Trust Fund no later than
9 45 days after the end of the month in which the penalty was
10 calculated.

11 (l) This section shall become operative on July 1, 2017.

12 *SEC. 20. Section 68086 of the Government Code is amended*
13 *to read:*

14 68086. (a) The following provisions apply in superior court:

15 (1) In addition to any other fee required in civil actions or ~~cases~~;
16 ~~for cases~~:

17 (A) *For each proceeding lasting less than one hour, a fee of*
18 *thirty dollars (\$30) shall be charged for the reasonable cost of the*
19 *services of an official court reporter pursuant to Section 269 of*
20 *the Code of Civil Procedure.*

21 (B) *For each proceeding lasting more than one hour, a fee equal*
22 *to the actual cost of providing that service shall be charged per*
23 *one-half day of services to the parties, on a pro rata basis, for the*
24 *services of an official court reporter on the first and each*
25 *succeeding judicial day those services are provided pursuant to*
26 *Section 269 of the Code of Civil Procedure.*

27 (2) All parties shall deposit their pro rata shares of these fees
28 with the clerk of the court as specified by the court, but not later
29 than the conclusion of each day's court session.

30 (3) For purposes of this section, "one-half day" means any
31 period of judicial time, in excess of one hour, but not more than
32 four hours, during either the morning or afternoon court session.

33 (4) The costs for the services of the official court reporter shall
34 be recoverable as taxable costs by the prevailing party as otherwise
35 provided by law.

36 (5) The Judicial Council shall adopt rules to ensure all of the
37 following:

38 (A) That parties are given adequate and timely notice of the
39 availability of an official court reporter.

1 (B) That if an official court reporter is not available, a party
2 may arrange for the presence of a certified shorthand reporter to
3 serve as an official pro tempore reporter, the costs—therefore
4 *therefor* recoverable as provided in paragraph (4).

5 (C) That if the services of an official pro tempore reporter are
6 utilized pursuant to subparagraph (B), no other charge ~~will~~ *shall*
7 be made to the parties.

8 (b) The fees collected pursuant to this section shall be used only
9 to pay the cost for services of an official court reporter in civil
10 proceedings.

11 (c) The Judicial Council shall report on or before February 1 of
12 each year to the Joint Legislative Budget Committee on the fees
13 collected by courts pursuant to this section and Section 68086.1;
14 and *on* the total amount spent for services of official court reporters
15 in civil proceedings statewide in the prior fiscal year.

16 *SEC. 21. Section 68090.8 of the Government Code is amended*
17 *to read:*

18 68090.8. (a) (1) The Legislature finds that the management
19 of civil and criminal cases, including traffic cases, and the
20 accounting for funds in the trial courts requires these courts to
21 implement appropriate levels of administrative automation.

22 (2) The purpose of this section is to make a fund available for
23 the development of automated administrative systems, including
24 automated accounting, automated data collection through case
25 management systems, and automated case-processing systems for
26 the trial courts, together with funds to train operating personnel,
27 and for the maintenance and enhancement of the systems. As used
28 in this paragraph, “automated administrative systems” does not
29 include electronic reporting systems for use in a courtroom.

30 (3) Automated data collection shall provide the foundation for
31 planning, research, and evaluation programs that are generated
32 from within and outside of the judicial branch. This system shall
33 be a resource to the courts, the Judicial Council and its committees,
34 the Administrative Office of the Courts, the Legislature, the
35 Governor, and the public. During the developmental stage and
36 prior to the implementation of the system, the Legislature shall
37 make recommendations to the Judicial Council as to the breadth
38 and level of detail of the data to be collected.

39 (b) Prior to making any other required distribution, the county
40 treasurer shall transmit 2 percent of all fines, penalties, and

1 forfeitures collected in criminal cases, including, but not limited
2 to, moneys collected pursuant to Chapter 12 (commencing with
3 Section 76000) of Title 8 of this code, Section 13003 of the Fish
4 and Game Code, Section 11502 of the Health and Safety Code,
5 and Chapter 1 (commencing with Section 1427) of Title 11 of Part
6 2 of the Penal Code, into the *State Trial Court Improvement and*
7 *Modernization* Fund established pursuant to Section 77209, to be
8 used exclusively to pay the costs of automated systems for the trial
9 courts, as described in paragraph (2) of subdivision (a). These
10 systems shall meet Judicial Council performance standards,
11 including production of reports as needed by the state, the counties,
12 and local governmental entities.

13 *SEC. 22. Section 68106 of the Government Code is amended*
14 *to read:*

15 68106. (a) (1) In making appropriations for the support of the
16 trial courts, the Legislature recognizes the importance of increased
17 revenues from litigants and lawyers, including increased revenues
18 from civil filing fees. *It is therefore the intent of the Legislature*
19 *that courts give the highest priority to keeping courtrooms open*
20 *for civil and criminal proceedings. It is therefore also the intent*
21 *of the Legislature that, to the extent practicable, in the allocation*
22 *of resources by and for trial courts, access to court services for*
23 *civil litigants be preserved in the allocation of resources by and*
24 *for trial courts, budget cuts not fall disproportionately on civil*
25 *cases, and the right to trial by jury be preserved.*

26 (2) Furthermore, it is the intent of the Legislature in enacting
27 the Budget Act of 2010, which includes increases in civil and
28 criminal court fees and penalties, that trial courts remain open to
29 the public on all days except judicial holidays, Saturdays, and
30 Sundays, and except as authorized pursuant to Section 68115.

31 (b) (1) A trial court shall provide written notification to the
32 public by conspicuous posting within or about its facilities, on its
33 public Internet Web site, and by electronic distribution to
34 individuals who have subscribed to the court's electronic
35 distribution service, and to the Judicial Council, not less than 60
36 days prior to closing any courtroom, or closing or reducing the
37 hours of clerks' offices during regular business hours on any day
38 except judicial holidays, Saturdays, and Sundays, and except as
39 authorized pursuant to Section 68115. The notification shall include
40 the scope of the closure or reduction in hours, and the financial

1 constraints or other reasons that make the closure or reduction
2 necessary.

3 (2) (A) The notification required pursuant to paragraph (1) shall
4 include information on how the public may provide written
5 comments during the 60-day period on the court's plan for closing
6 a courtroom, or closing or reducing the hours of clerks' offices.
7 The court shall review and consider all public comments received.
8 If the court plan for closing a courtroom, or closing or reducing
9 the hours of clerks' offices, changes as a result of the comments
10 received or for any other reason, the court shall immediately
11 provide notice to the public by posting a revised notice within or
12 about its facilities, on its public Internet Web site, and by electronic
13 distribution to individuals who have subscribed to the court's
14 electronic distribution service, and to the Judicial Council. Any
15 change in the court's plan pursuant to this paragraph shall not
16 require notification beyond the initial 60-day period.

17 (B) This paragraph shall not be construed to obligate courts to
18 provide responses to the comments received.

19 (3) Within 15 days of receipt of a notice from a trial court, the
20 Judicial Council shall conspicuously post on its Internet Web site
21 and provide the chairs and vice chairs of the Committees on
22 Judiciary, the Chair of the Assembly Committee on Budget, and
23 the Chair of the Senate Committee on Budget and Fiscal Review
24 a copy of any notice received pursuant to this subdivision. The
25 Legislature intends to review the information obtained pursuant
26 to this section to ensure that California trial courts remain open
27 and accessible to the public.

28 (c) Nothing in this section is intended to affect, limit, or
29 otherwise interfere with regular court management decisionmaking,
30 including calendar management and scheduling decisions.

31 *SEC. 23. Section 68502.5 of the Government Code is amended*
32 *to read:*

33 68502.5. (a) The Judicial Council may, as part of its trial court
34 budget process, seek input from groups and individuals as it deems
35 appropriate including, but not limited to, advisory committees and
36 the Administrative Director of the Courts. The trial court budget
37 process may include, but is not limited to, the following:

38 (1) The receipt of budget requests from the trial courts.

39 (2) The review of the trial courts' budget requests and evaluate
40 them against performance criteria established by the Judicial

1 Council by which a court's performance, level of coordination,
2 and efficiency can be measured.

3 (3) The annual adoption of the projected cost in the subsequent
4 fiscal year of court operations as defined in Section 77003 for each
5 trial court. This estimation shall serve as a basis for recommended
6 court budgets, which shall be developed for comparison purposes
7 and to delineate funding responsibilities.

8 (4) The annual approval of a schedule for the allocation of
9 moneys to individual courts and an overall trial court budget for
10 forwarding to the Governor for inclusion in the Governor's
11 proposed State Budget. The schedule shall be based on the
12 performance criteria established pursuant to paragraph (2), on a
13 minimum standard established by the Judicial Council for the
14 operation and staffing of all trial court operations, and on any other
15 factors as determined by the Judicial Council. This minimum
16 standard shall be modeled on court operations using all reasonable
17 and available measures to increase court efficiency. The schedule
18 of allocations shall assure that all trial courts receive funding for
19 the minimum operating and staffing standards before funding
20 operating and staffing requests above the minimum standards, and
21 shall include incentives and rewards for any trial court's
22 implementation of efficiencies and cost saving measures.

23 (5) The reallocation of funds during the course of the fiscal year
24 to ensure equal access to the trial courts by the public, to improve
25 trial court operations, and to meet trial court emergencies. Neither
26 the state nor the counties shall have any obligation to replace
27 moneys appropriated for trial courts and reallocated pursuant to
28 this paragraph.

29 (6) The allocation of funds in the *State Trial Court Improvement*
30 *and Modernization* Fund to ensure equal access to trial courts by
31 the public, to improve trial court operations, and to meet trial court
32 emergencies, *as expressly authorized by statute*.

33 (7) Upon approval of the trial courts' budget by the Legislature,
34 the preparation during the course of the fiscal year of allocation
35 schedules for payments to the trial courts, consistent with Section
36 68085, which shall be submitted to the Controller's office at least
37 15 days before the due date of any allocation.

38 (8) The establishment of rules regarding a court's authority to
39 transfer trial court funding moneys from one functional category
40 to another in order to address needs in any functional category.

1 (9) At the request of the presiding judge of a trial court, an
2 independent review of the funding level of the court to determine
3 whether it is adequate to enable the court to discharge its statutory
4 and constitutional responsibilities.

5 (10) From time to time, a review of the level of fees charged
6 by the courts for various services and prepare recommended
7 adjustments for forwarding to the Legislature.

8 (11) Provisions set forth in rules adopted pursuant to Section
9 77206 of the Government Code.

10 (b) Courts and counties shall establish procedures to allow for
11 the sharing of information as it relates to approved budget proposals
12 and expenditures that impact the respective court and county
13 budgets. The procedures shall include, upon the request of a court
14 or county, that a respective court or county shall provide the
15 requesting court or county a copy of its approved budget and, to
16 the extent possible, approved program expenditure component
17 information and a description of budget changes that are anticipated
18 to have an impact on the requesting court or county. The Judicial
19 Council shall provide to the Legislature on December 31, 2001,
20 and yearly thereafter, budget expenditure data at the program
21 component level for each court.

22 (c) (1) The Judicial Council shall retain the ultimate
23 responsibility to adopt a budget and allocate funding for the trial
24 courts and perform the other activities listed in subdivision (a) that
25 best assure their ability to carry out their functions, promote
26 implementation of statewide policies, and promote the immediate
27 implementation of efficiencies and cost saving measures in court
28 operations, in order to guarantee equal access to the courts.

29 (2) (A) *When setting the allocations for trial courts, the Judicial*
30 *Council shall set a preliminary allocation in July of each fiscal*
31 *year based on an estimate or an actual amount of available trial*
32 *court resources in that fiscal year. In January of each fiscal year,*
33 *after review of available trial court resources, the Judicial Council*
34 *shall finalize allocations to trial courts.*

35 (B) *Upon preliminary determination of the allocations to trial*
36 *courts pursuant to subparagraph (A), the Judicial Council shall*
37 *set aside 2 percent of the total funds appropriated in Program*
38 *45.10 of Item 0250-101-0932 of the annual Budget Act and these*
39 *funds shall remain in the Trial Court Trust Fund. These funds shall*
40 *be administered by the Judicial Council and be allocated to trial*

1 courts for unforeseen emergencies, unanticipated expenses for
2 existing programs, or unavoidable funding shortfalls. Unavoidable
3 funding shortfall requests for up to 1.5 percent of these funds shall
4 be submitted by the trial courts to the Judicial Council no later
5 than October 1 of each year. The Judicial Council shall, by
6 October 31 of each year, review and evaluate all requests
7 submitted, select trial courts to receive funds, and notify those
8 selected trial courts. By March 15 of each year, the Judicial
9 Council shall distribute the remaining funds if there has been a
10 request from a trial court for unforeseen emergencies or
11 unanticipated expenses that has been reviewed, evaluated, and
12 approved. Any unexpended funds shall be distributed to the trial
13 courts on a prorated basis.

14 (C) The Judicial Council shall, no later than April 15 of each
15 year, report to the Legislature, pursuant to Section 9795 of the
16 Government Code, and to the Department of Finance all requests
17 and allocations made pursuant to subparagraph (B).

18 SEC. 24. Section 68926 of the Government Code is amended
19 to read:

20 68926. (a) (1) The fee for filing a notice of appeal in a civil
21 case appealed to a court of appeal is ~~four hundred eighty-five~~
22 ~~dollars (\$485)~~ six hundred five dollars (\$605).

23 (2) The fee for filing a petition for a writ within the original
24 civil jurisdiction of the Supreme Court is ~~four hundred twenty~~
25 ~~dollars (\$420)~~ five hundred forty dollars (\$540).

26 (3) The fee for filing a petition for a writ within the original
27 civil jurisdiction of a court of appeal is ~~four hundred eighty-five~~
28 ~~dollars (\$485)~~ six hundred five dollars (\$605).

29 (b) (1) The fee for a party other than appellant filing its first
30 document in a civil case appealed to a court of appeal is three
31 hundred ~~twenty-five dollars (\$325)~~ ninety dollars (\$390).

32 (2) The fee for a party other than petitioner filing its first
33 document in a writ proceeding within the original jurisdiction of
34 the Supreme Court is three hundred ~~twenty-five dollars (\$325)~~
35 ninety dollars (\$390).

36 (3) The fee for a party other than petitioner filing its first
37 document in a writ proceeding within the original jurisdiction of
38 a court of appeal is three hundred ~~twenty-five dollars (\$325)~~ ninety
39 dollars (\$390).

(c) These fees are in full, for all services, through the rendering of the judgment or the issuing of the remittitur or peremptory writ, except the fees imposed by subdivision (b) of Section 68926.1 and Section 68927. The Judicial Council may make rules governing the time and method of payment of these fees, and providing for excuse therefrom in appropriate cases. A fee may not be charged in appeals from, nor petitions for writs involving, juvenile cases or proceedings to declare a minor free from parental custody or control, or proceedings under the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code).

SEC. 25. Section 68927 of the Government Code is amended to read:

68927. (a) The fee for filing a petition for review in a civil case in the Supreme Court after a decision in a court of appeal is ~~four hundred twenty dollars (\$420)~~ *five hundred forty dollars (\$540)*.

(b) The fee for a party other than petitioner filing its first document in a civil case in the Supreme Court after a decision in a court of appeal is ~~three hundred twenty-five dollars (\$325)~~ *ninety dollars (\$90)*.

(c) A fee may not be charged for petitions for review from decisions in juvenile cases or proceedings to declare a minor free from parental custody or control or proceedings under the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code).

SEC. 26. Section 69920 of the Government Code is repealed.

~~69920. This article shall be known and may be cited as the Superior Court Law Enforcement Act of 2002.~~

SEC. 27. Section 69920 is added to the Government Code, to read:

69920. This article shall be known and may be cited as the Superior Court Security Act of 2012. This article implements the statutory changes necessary as a result of the realignment of superior court security funding enacted in Assembly Bill 118 (Chapter 40 of the Statutes of 2011), in which the Trial Court Security Account was established in Section 30025 to fund court security. As such, this article supersedes and replaces Function 8 of Rule 10.810 of the California Rules of Court. Although realignment changed the source of funding for court security, this

1 *article is not intended to, nor should it, result in reduced court*
2 *security service delivery, increased obligations on sheriffs or*
3 *counties, or other significant programmatic changes that would*
4 *not otherwise have occurred absent realignment.*

5 SEC. 28. *Section 69921 of the Government Code is amended*
6 *to read:*

7 69921. For purposes of this article:

8 ~~(a) “Contract law enforcement template” means a document~~
9 ~~that is contained in the Administrative Office of the Courts’~~
10 ~~financial policies and procedures manual that accounts for and~~
11 ~~further defines allowable costs, as described in paragraphs (3) to~~
12 ~~(6), inclusive, of subdivision (a) of Section 69927.~~

13 ~~(b)~~

14 (a) “Court attendant” means a nonarmed, nonlaw enforcement
15 employee of the superior court who performs those functions
16 specified by the court, except those functions that may only be
17 performed by armed and sworn personnel. A court attendant is not
18 a peace officer or a public safety officer.

19 ~~(c)~~

20 (b) “Court security plan” means a plan that is provided by the
21 superior court to the Administrative Office of the Courts that
22 includes a law enforcement security plan and all other court
23 security matters.

24 ~~(d)~~

25 (c) “Law enforcement security plan” means a plan that is
26 provided by a sheriff or marshal that includes policies and
27 procedures for providing public safety and law enforcement
28 services to the court.

29 ~~(e) “Superior court law enforcement functions” means all of the~~
30 ~~following:~~

31 ~~(1) Bailiff functions, as defined in Sections 830.1 and 830.36~~
32 ~~of the Penal Code, in criminal and noncriminal actions, including,~~
33 ~~but not limited to, attending courts.~~

34 ~~(2) Taking charge of a jury, as provided in Sections 613 and~~
35 ~~614 of the Code of Civil Procedure.~~

36 ~~(3) Patrolling hallways and other areas within court facilities.~~

37 ~~(4) Overseeing prisoners in holding cells within court facilities.~~

38 ~~(5) Escorting prisoners in holding cells within court facilities.~~

39 ~~(6) Providing security screening within court facilities.~~

~~(7) Providing enhanced security for bench officers and court personnel, as agreed upon by the court and the sheriff or marshal.~~

SEC. 29. Section 69921.5 of the Government Code is repealed.

~~69921.5. The duties of the presiding judge of each superior court shall include the authority to contract, subject to available funding, with a sheriff or marshal, for the necessary level of law enforcement services in the courts.~~

SEC. 30. Section 69921.5 is added to the Government Code, to read:

69921.5. Except for court security services provided by the marshal in the Counties of Shasta and Trinity, the sheriff is responsible for the necessary level of court security services, as established by the memorandum of understanding described in subdivision (b) of Section 69926.

SEC. 31. Section 69922 of the Government Code is amended to read:

69922. (a) Except as otherwise provided by law, whenever required, the sheriff shall attend all superior court sessions held within his or her county. A sheriff shall attend a noncriminal, nondelinquency action, however, only if the presiding judge or his or her designee makes a determination that the attendance of the sheriff at that action is necessary for reasons of public safety. The court may use court attendants in courtrooms hearing those noncriminal, nondelinquency actions. Notwithstanding any other provision of law, the presiding judge or his or her designee may provide that a court attendant take charge of a jury, as provided in Sections 613 and 614 of the Code of Civil Procedure. The sheriff shall obey all lawful orders and directions of all courts held within his or her county.

(b) Subject to the memorandum of understanding described in subdivision (b) of Section 69926, the court security services provided by the sheriff may include, but shall not be limited to, all of the following:

(1) Bailiff functions, as defined in Sections 830.1 and 830.36 of the Penal Code, in criminal and noncriminal actions, including, but not limited to, attending court.

(2) Taking charge of a jury, as provided in Sections 613 and 614 of the Code of Civil Procedure.

(3) Patrolling hallways and other areas within court facilities.

1 (4) *Overseeing and escorting prisoners in holding cells within*
2 *court facilities.*

3 (5) *Providing security screening within court facilities.*

4 (6) *Providing enhanced security for judicial officers and court*
5 *personnel.*

6 SEC. 32. *Section 69923 is added to the Government Code, to*
7 *read:*

8 69923. (a) *A superior court shall not pay a sheriff for court*
9 *security services and equipment, except as provided in this article.*

10 (b) *Subject to the memorandum of understanding described in*
11 *subdivision (b) of Section 69926, the court may pay for court*
12 *security service delivery or other significant programmatic changes*
13 *that would not otherwise have been required absent the*
14 *realignment of superior court security funding enacted in Assembly*
15 *Bill 118 (Chapter 40 of the Statutes of 2011), in which the Trial*
16 *Court Security Account was established in Section 30025 to fund*
17 *court security.*

18 SEC. 33. *Section 69925 of the Government Code is amended*
19 *to read:*

20 69925. ~~On and after July 1, 2003, The presiding judge, in~~
21 ~~conjunction with the sheriff or marshal, in conjunction with the~~
22 ~~presiding judge, shall develop an annual or multiyear~~
23 ~~comprehensive court security plan that includes the mutually agreed~~
24 ~~upon law enforcement security plan to be utilized by the court.~~
25 ~~The Judicial Council shall provide for the subject areas to be~~
26 ~~addressed in the plan and specify the most efficient practices for~~
27 ~~providing court security services. The Judicial Council shall~~
28 ~~establish a process for the review of court security plans by the~~
29 ~~Judicial Council in the California Rules of Court. The Judicial~~
30 ~~Council shall annually submit to the Senate Judiciary Committee~~
31 ~~and Assembly Judiciary Committee a report summarizing the court~~
32 ~~security plans reviewed by the Judicial Council, including, but not~~
33 ~~limited to, a description of each plan, the cost involved, and~~
34 ~~whether each plan complies with the rules for the most efficient~~
35 ~~practices for providing court security services.~~

36 SEC. 34. *Section 69926 of the Government Code is repealed.*

37 69926. ~~(a) This section applies to the superior court and the~~
38 ~~sheriff or marshal's department in those counties in which either~~
39 ~~of the following apply:~~

1 ~~(1) The sheriff's department was otherwise required by law to~~
2 ~~provide court security services on and after July 1, 1998.~~

3 ~~(2) Court security was provided by the marshal's office on and~~
4 ~~after July 1, 1998, the marshal's office was subsequently abolished~~
5 ~~and succeeded by the sheriff's department, and the successor~~
6 ~~sheriff's department is required to provide court security services~~
7 ~~as successor to the marshal.~~

8 ~~(b) The superior court and the sheriff or marshal shall enter into~~
9 ~~an annual or multiyear memorandum of understanding specifying~~
10 ~~the agreed upon level of court security services, cost of services,~~
11 ~~and terms of payment. The cost of services specified in the~~
12 ~~memorandum of understanding shall be based on the estimated~~
13 ~~average cost of salary and benefits for equivalent personnel~~
14 ~~classifications in that county, not including overtime pay. In~~
15 ~~calculating the average cost of benefits, only those benefits listed~~
16 ~~in paragraph (6) of subdivision (a) of Section 69927 shall be~~
17 ~~included. For purposes of this article, "benefits" excludes any item~~
18 ~~not expressly listed in this subdivision, including, but not limited~~
19 ~~to, any costs associated with retiree health benefits. As used in this~~
20 ~~subdivision, retiree health benefits includes, but is not limited to,~~
21 ~~the current cost of health benefits for already retired personnel and~~
22 ~~any amount to cover the costs of future retiree health benefits for~~
23 ~~either currently employed or already retired personnel.~~

24 ~~(c) The sheriff or marshal shall provide information as identified~~
25 ~~in the contract law enforcement template by April 30 of each year~~
26 ~~to the superior court in that county, specifying the nature, extent,~~
27 ~~and basis of the costs, including negotiated or projected salary~~
28 ~~increases of court law enforcement services that the sheriff~~
29 ~~proposes to include in the budget of the court security program for~~
30 ~~the following state budget year. Actual court security allocations~~
31 ~~shall be subject to the approval of the Judicial Council and the~~
32 ~~funding provided by the Legislature. It is the intent of the~~
33 ~~Legislature that proposed court security expenditures submitted~~
34 ~~by the Judicial Council to the Department of Finance for inclusion~~
35 ~~in the Governor's Budget shall be as defined in the contract law~~
36 ~~enforcement template.~~

37 ~~(d) If the superior court and the sheriff or marshal are unwilling~~
38 ~~or unable to enter into an agreement pursuant to this section on or~~
39 ~~before August 1 of any fiscal year, the court or sheriff or marshal~~
40 ~~may request the continuation of negotiations between the superior~~

1 ~~court and the sheriff or marshal for a period of 45 days with~~
2 ~~mediation assistance, during which time the previous law~~
3 ~~enforcement services agreement shall remain in effect. Mutually~~
4 ~~agreed-upon mediation assistance shall be determined by the~~
5 ~~Administrative Director of the Courts and the president of the~~
6 ~~California State Sheriffs' Association.~~

7 *SEC. 35. Section 69926 is added to the Government Code, to*
8 *read:*

9 *69926. (a) This section applies to the superior court and the*
10 *sheriff in those counties in which the sheriff's department provides*
11 *court security services.*

12 *(b) The sheriff, with the approval and authorization of the board*
13 *of supervisors, shall, on behalf of the county, enter into an annual*
14 *or multiyear memorandum of understanding with the superior*
15 *court specifying an agreed-upon level of court security services*
16 *and any other agreed-upon governing or operating procedures.*
17 *The memorandum of understanding and the court security plan*
18 *may be included in a single document.*

19 *(c) If the superior court and the sheriff are unwilling or unable*
20 *to enter into an agreement pursuant to this section at least 30 days*
21 *before the expiration date of an existing memorandum of*
22 *understanding, or if there is a dispute regarding the administration*
23 *or level of services and equipment being provided under this*
24 *article, the superior court, sheriff, and county shall meet and*
25 *confer. The superior court shall designate a representative with*
26 *authority to resolve the dispute, who shall meet and confer with*
27 *representatives designated by the sheriff and county who have the*
28 *authority to negotiate a resolution and recommend the resolution*
29 *to the board of supervisors. The meeting shall occur within five*
30 *business days of any party requesting that meeting.*

31 *(d) If the meeting described in subdivision (c) does not result*
32 *in a recommended resolution to the dispute, the presiding judge*
33 *of the court, the sheriff, or the chair of the board of supervisors*
34 *may request the assistance of the Administrative Director of the*
35 *Courts, the President of the California State Sheriffs' Association,*
36 *and the President of the California State Association of Counties.*
37 *Within 10 business days of the request, the representatives of the*
38 *superior court, the sheriff, and the county involved in the dispute*
39 *shall meet to discuss the dispute with the Administrative Office of*
40 *the Courts, the California State Sheriffs' Association, and the*

1 *California State Association of Counties. The representatives of*
2 *the superior court, the sheriff, and the county attending the meeting*
3 *shall have the authority to negotiate a resolution on behalf of their*
4 *respective principals. Any recommended resolution shall be*
5 *approved by the board of supervisors, consistent with subdivision*
6 *(b).*

7 *(e) The Judicial Council shall, by rule of court, establish a*
8 *process that, notwithstanding any other law, expeditiously and*
9 *finally resolves disputes that are not settled in the meeting process*
10 *described in subdivision (d). The rule of court shall do all of the*
11 *following:*

12 *(1) Provide a process for parties to submit disputes.*

13 *(2) Provide for the assignment of a justice who is not from the*
14 *court of appeal district in which the county, the superior court,*
15 *and the sheriff are located.*

16 *(3) Provide an expedited process for hearing these matters in*
17 *a venue convenient to the parties and assigned justice.*

18 *(4) Provide that the justice shall hear the petition and issue a*
19 *decision on an expedited basis.*

20 *(5) Provide a process for an appeal of the decision issued under*
21 *paragraph (4). The appeal shall be heard in a court of appeal*
22 *district other than the one in which the county, the superior court,*
23 *and the sheriff are located.*

24 *(f) The terms of a memorandum of understanding shall remain*
25 *in effect, to the extent consistent with this article, and the sheriff*
26 *shall continue to provide court security as required by this article,*
27 *until the parties enter into a new memorandum of understanding.*

28 *SEC. 36. Section 69927 of the Government Code is repealed.*

29 ~~69927. (a) It is the intent of the Legislature in enacting this~~
30 ~~section to develop a definition of the court security component of~~
31 ~~court operations that modifies Function 8 of Rule 10.810 of the~~
32 ~~California Rules of Court in a manner that will standardize billing~~
33 ~~and accounting practices and court security plans, and identify~~
34 ~~allowable law enforcement security costs after the operative date~~
35 ~~of this article. It is not the intent of the Legislature to increase or~~
36 ~~decrease the responsibility of a county for the cost of court~~
37 ~~operations, as defined in Section 77003 or Rule 10.810 of the~~
38 ~~California Rules of Court, as it read on January 1, 2007, for court~~
39 ~~security services provided prior to January 1, 2003. It is the intent~~
40 ~~of the Legislature that a sheriff's or marshal's court law~~

1 enforcement budget not be reduced as a result of this article. Any
2 new court security costs permitted by this article shall not be
3 operative unless the funding is provided by the Legislature.

4 (1) ~~The Judicial Council shall adopt a rule establishing a working~~
5 ~~group on court security. The group shall consist of six~~
6 ~~representatives from the judicial branch of government, as selected~~
7 ~~by the Administrative Director of the Courts, two representatives~~
8 ~~of the counties, as selected by the California State Association of~~
9 ~~Counties, and three representatives of the county sheriffs, as~~
10 ~~selected by the California State Sheriffs' Association. It is the~~
11 ~~intent of the Legislature that this working group may recommend~~
12 ~~modifications only to the template used to determine that the~~
13 ~~security costs submitted by the courts to the Administrative Office~~
14 ~~of the Courts are permitted pursuant to this article. The template~~
15 ~~shall be a part of the trial court's financial policies and procedures~~
16 ~~manual and used in place of the definition of law enforcement~~
17 ~~costs in Function 8 of Rule 10.810 of the California Rules of Court.~~
18 ~~If the working group determines that there is a need to make~~
19 ~~recommendations to the template that specifically involve law~~
20 ~~enforcement or security personnel in courtrooms or court detention~~
21 ~~facilities, the membership of the working group shall change and~~
22 ~~consist of six representatives from the judicial branch of~~
23 ~~government selected by the Administrative Director of the Courts,~~
24 ~~two representatives of the counties selected by the California State~~
25 ~~Association of Counties, two representatives of the county sheriffs~~
26 ~~selected by the California State Sheriffs' Association, and two~~
27 ~~representatives of labor selected by the California Coalition of~~
28 ~~Law Enforcement Associations.~~

29 (2) ~~The Judicial Council shall establish a working group on~~
30 ~~court security to promulgate recommended uniform standards and~~
31 ~~guidelines that may be used by the Judicial Council and any sheriff~~
32 ~~or marshal for the implementation of trial court security services.~~
33 ~~The working group shall consist of representatives from the judicial~~
34 ~~branch of government, the California State Sheriffs' Association,~~
35 ~~the California State Association of Counties, the Peace Officer's~~
36 ~~Research Association of California, and the California Coalition~~
37 ~~of Law Enforcement Associations, for the purpose of developing~~
38 ~~guidelines. The Judicial Council, after requesting and receiving~~
39 ~~recommendations from the working group on court security, shall~~
40 ~~promulgate and implement rules, standards, and policy directions~~

1 for the trial courts in order to achieve efficiencies that will reduce
2 security operating costs and constrain growth in those costs.

3 (3) ~~When mutually agreed to by the courts, county, and the~~
4 ~~sheriff or marshal in any county, the costs of perimeter security in~~
5 ~~any building that the court shares with any county agency,~~
6 ~~excluding the sheriff's or marshal's department, shall be~~
7 ~~apportioned based on the amount of the total noncommon square~~
8 ~~feet of space occupied by the court and any county agency.~~

9 (4) ~~"Allowable costs for equipment, services, and supplies," as~~
10 ~~defined in the contract law enforcement template, means the~~
11 ~~purchase and maintenance of security screening equipment and~~
12 ~~the costs of ammunition, batons, bulletproof vests, handcuffs,~~
13 ~~holsters, leather gear, chemical spray and holders, radios, radio~~
14 ~~chargers and holders, uniforms, and one primary duty sidearm.~~

15 (5) ~~"Allowable costs for professional support staff for court~~
16 ~~security operations," as defined in the contract law enforcement~~
17 ~~template, means the salary, benefits, and overtime of staff~~
18 ~~performing support functions that, at a minimum, provide payroll,~~
19 ~~human resources, information systems, accounting, or budgeting.~~

20 Allowable costs for professional support staff for court security
21 operations in each trial court shall not exceed 6 percent of total
22 allowable costs for law enforcement security personnel services
23 in courts with total allowable costs for law enforcement security
24 personnel services less than ten million dollars (\$10,000,000) per
25 year. Allowable costs for professional support staff for court
26 security operations for each trial court shall not exceed 4 percent
27 of total allowable costs for law enforcement security personnel
28 services in courts with total allowable costs for law enforcement
29 security personnel services exceeding ten million dollars
30 (\$10,000,000) per year. Additional costs for services related to
31 court-mandated special project support, beyond those provided
32 for in the contract law enforcement template, are allowable only
33 when negotiated by the trial court and the court law enforcement
34 provider. Allowable costs shall not exceed actual costs of providing
35 support staff services for law enforcement security personnel
36 services.

37 The working group established pursuant to paragraph (1) of
38 subdivision (a) may periodically recommend changes to the limit
39 for allowable costs for professional support staff for court security
40 operations based on surveys of actual expenditures incurred by

1 trial courts and the court law enforcement provider in the provision
2 of law enforcement security personnel services. Limits for
3 allowable costs as stated in this section shall remain in effect until
4 changes are recommended by the working group and adopted by
5 the Judicial Council.

6 (6) “Allowable costs for security personnel services,” as defined
7 in the contract law enforcement template, means the salary and
8 benefits of an employee, including, but not limited to, county health
9 and welfare, county incentive payments, deferred compensation
10 plan costs, FICA or Medicare, general liability premium costs,
11 leave balance payout commensurate with an employee’s time in
12 court security services as a proportion of total service credit earned
13 after January 1, 1998, premium pay, retirement, state disability
14 insurance, unemployment insurance costs, workers’ compensation
15 paid to an employee in lieu of salary, workers’ compensation
16 premiums of supervisory security personnel through the rank of
17 captain, line personnel, inclusive of deputies, court attendants,
18 contractual law enforcement services, prisoner escorts within the
19 courts, and weapons screening personnel, court required training,
20 and overtime and related benefits of law enforcement supervisory
21 and line personnel.

22 (A) The Administrative Office of the Courts shall use the
23 average salary and benefits costs approved for court law
24 enforcement personnel as of June 30 of each year in determining
25 the funding request that will be presented to the Department of
26 Finance.

27 (B) Courts and court security providers shall manage their
28 resources to minimize the use of overtime.

29 (7) “Allowable costs for vehicle use for court security needs,”
30 as defined in the contract law enforcement template, means the
31 per-mile recovery cost for vehicles used in rendering court law
32 enforcement services, exclusive of prisoner or detainee transport
33 to or from court. The standard mileage rate applied against the
34 miles driven for the above shall be the standard reimbursable
35 mileage rate in effect for judicial officers and employees at the
36 time of contract development.

37 (b) Nothing in this article may increase a county’s obligation
38 or require any county to assume the responsibility for a cost of any
39 service that was defined as a court operation cost, as defined by
40 Function 8 of Rule 10.810 of the California Rules of Court, as it

~~read on January 1, 2007, or that meets the definition of any new law enforcement component developed pursuant to this article.~~

SEC. 37. Section 69950 of the Government Code is amended to read:

69950. (a) The fee for transcription for original ribbon or printed copy is eighty-five cents (\$0.85) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, fifteen cents (\$0.15) for each 100 words.

(b) The fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty cents (\$0.20) for each 100 words, and for each additional copy, purchased at the same time, fifteen cents (\$0.15) for each 100 words.

(c) Notwithstanding subdivisions (a) and (b), if a trial court had established transcription fees that were in effect on January 1, 2012 based on an estimate or assumption as to the number of words or folios on a typical transcript page, those transcription fees shall be the transcription fees for proceedings in those trial courts, and the policy or practice for determining transcription fees in those trial courts shall not be unilaterally changed.

SEC. 38. Section 70371.5 of the Government Code is amended to read:

70371.5. (a) There is hereby established the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, the proceeds of which shall only be used for any of the following:

(1) The planning, design, construction, rehabilitation, renovation, replacement, or acquisition of court facilities.

(2) Repayment for moneys appropriated for lease of court facilities pursuant to the issuance of lease-revenue bonds.

(3) Payment for lease or rental of court facilities or payment of service contracts, including those made for facilities in which one or more private sector participants undertake some of the risks associated with the financing, design, construction, or operation of the facility.

(4) For trial court operations, as defined in Section 77003.

(b) Any funds expended from the Immediate and Critical Needs Account are not subject to Section 77202.

1 (c) Notwithstanding Section 13340, until July 1, 2012, the
2 Immediate and Critical Needs Account is hereby continuously
3 appropriated, without regard to fiscal year, only for the purposes
4 of acquiring real property and completing preliminary plans.

5 (d) It is the intent of the Legislature that the money in the
6 Immediate and Critical Needs Account shall be used in part to pay
7 the debt service of lease revenue bonds, notes, bond anticipation
8 notes, or other appropriate financial instruments used to pay for
9 the costs referred to in subdivision (a) in the amount of up to five
10 billion dollars (\$5,000,000,000). The total bonded indebtedness
11 shall not exceed that amount for which fine and fee revenues may
12 fully satisfy the debt service.

13 (e) The Judicial Council shall collect and make available upon
14 request information regarding the moneys deposited in the
15 Immediate and Critical Needs Account resulting from new and
16 increased fees, assessments, and penalties authorized by the act
17 that added this section.

18 (f) (1) The Judicial Council shall make recommendations to
19 the State Public Works Board before it undertakes projects based
20 on its determination that the need for a project is most immediate
21 and critical using the then most recent version of the Prioritization
22 Methodology for Trial Court Capital-Outlay Projects originally
23 adopted on August 26, 2006, subject to the availability of funds
24 in the Immediate and Critical Needs Account. Any such
25 recommendation shall be accompanied by a certification that there
26 are sufficient funds in the Immediate and Critical Needs Account.
27 The State Public Works Board shall establish the scope and cost
28 for each individual project.

29 (2) The Legislature finds that there may not be enough resources
30 to pay for the cost of the projects identified as immediate and
31 critical needs by the Judicial Council pursuant to its Prioritization
32 Methodology for Trial Court Capital-Outlay Projects originally
33 adopted on August 26, 2006, even after considering any bonded
34 indebtedness that may be issued relying at least in part on those
35 resources. Therefore, in choosing which projects shall be
36 recommended to the State Public Works Board to be funded from
37 the Immediate and Critical Needs Account, the Judicial Council
38 shall consider and apply, as appropriate, the following factors,
39 among others:

40 (A) Any economic opportunity that exists for a project.

(B) The effect on available resources of using alternative methods of project delivery as provided by Section 70391.5.

(3) Nothing in paragraph (2) shall authorize the Judicial Council to exceed the resources provided by the Immediate and Critical Needs Account, together with other available resources, in undertaking projects identified as immediate and critical needs.

(4) As used in paragraph (2), “economic opportunity” includes, but is not limited to, free or reduced costs of land for new construction, viable financing partnerships with, or fund contributions by, other government entities or private parties that result in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, operational savings from sharing of facilities by more than one court, and building operational cost savings from consolidation of facilities.

(5) The Judicial Council shall not consider and apply an economic opportunity unless it is reasonably assured that the economic opportunity is viable and will be realized. If a project is selected for funding based on an economic opportunity that is withdrawn after the project is approved, the Judicial Council may cancel the project.

(g) Notwithstanding any law, the Controller may use the funds in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund for cashflow loans to the General Fund as provided in Sections 16310 and 16381.

SEC. 39. Section 70602.5 of the Government Code is amended to read:

70602.5. ~~(a) Notwithstanding any other law, due to the severity of the continuing economic crisis facing the State of California, it is the intent of the Legislature to supplement, until July 1, 2013, certain first paper filing fees as provided below:~~

~~(1)~~

(a) A supplemental fee of forty dollars (\$40) shall be collected for filing any first paper subject to the uniform fee that is set at three hundred fifty-five dollars (\$355) under Sections 70611, 70612, 70650, 70651, 70652, 70653, 70655, 70658, and 70670. The total fee collected under these sections, which includes the supplemental fee, shall be deposited and distributed as provided in Sections 68085.3 and 68086.1, as applicable.

~~(2)~~

1 (b) A supplemental fee of forty dollars (\$40) shall be collected
2 for filing any first paper subject to the uniform fee that is set at
3 three hundred thirty dollars (\$330) under Sections 70613, 70614,
4 and 70621. The total fee collected under these sections, which
5 includes the supplemental fee, shall be deposited and distributed
6 as provided in Sections 68085.4 and 68086.1, as applicable.

7 ~~(3)~~

8 (c) A supplemental fee of twenty dollars (\$20) shall be collected
9 for filing any first paper subject to the uniform fee that is set at
10 two hundred five dollars (\$205) under Sections 70613, 70614,
11 70621, 70654, and 70656 of this code, and Section 103470 of the
12 Health and Safety Code. The total fee collected under these
13 sections, which includes the supplemental fee, shall be deposited
14 and distributed as provided in Section 68085.4.

15 ~~(b) This section shall become inoperative on July 1, 2013, and,~~
16 ~~as of January 1, 2014, is repealed, unless a later enacted statute,~~
17 ~~that becomes operative on or before January 1, 2014, deletes or~~
18 ~~extends the dates on which it becomes inoperative and is repealed.~~

19 SEC. 40. Section 70602.6 is added to the Government Code,
20 to read:

21 70602.6. (a) Notwithstanding any other law, a supplemental
22 fee of forty dollars (\$40) shall be collected for filing any first paper
23 subject to the uniform fee that is set at three hundred fifty-five
24 dollars (\$355) under Sections 70611, 70612, 70650, 70651, 70652,
25 70653, 70655, 70658, and 70670. The total fee collected under
26 these sections, which includes the supplemental fee, shall be
27 deposited and distributed as provided in Sections 68085.3 and
28 68086.1, as applicable.

29 (b) The fee imposed under this section is in addition to any other
30 fees authorized by law, including, but not limited to, the fees
31 authorized in Section 70602.5.

32 (c) After the 2013–14 fiscal year, if the amount of the General
33 Fund transfer to the Trial Court Trust Fund is decreased more
34 than 10 percent from the amount appropriated in the 2013–14
35 fiscal year and is not offset by another source of revenue other
36 than court fees so as to result in a net reduction in funding greater
37 than 10 percent, then the amount of the supplemental fees provided
38 in subdivision (a) shall be decreased proportionally. The Judicial
39 Council shall adopt and publish a schedule setting the fees
40 resulting from the decrease.

1 (d) *This section shall become inoperative on July 1, 2015, and,*
2 *as of January 1, 2016, is repealed, unless a later enacted statute,*
3 *that becomes operative on or before January 1, 2016, deletes or*
4 *extends the dates on which it becomes inoperative and is repealed.*

5 SEC. 41. *Section 70616 of the Government Code is amended*
6 *to read:*

7 70616. (a) In addition to the first paper filing fee required by
8 Section 70611 or 70613, a single complex case fee shall be paid
9 to the clerk on behalf of all plaintiffs, whether filing separately or
10 jointly, either at the time of the filing of the first paper if the case
11 is designated as complex pursuant to the California Rules of Court,
12 or, if no such designation was made, in each case in which a court
13 determines that the case is a complex case pursuant to the
14 California Rules of Court, within 10 calendar days of the filing of
15 the court's order.

16 (b) In addition to the first appearance fee required under Section
17 70612 or 70614, a complex case fee shall be paid on behalf of each
18 defendant, intervenor, respondent, or adverse party, whether filing
19 separately or jointly, either at the time that party files its first paper
20 in a case if the case is designated or counterdesignated as complex
21 pursuant to the California Rules of Court, or, if no such designation
22 was made, in each case in which a court determines that the case
23 is a complex case pursuant to the California Rules of Court, within
24 10 calendar days of the filing of the court's order. This additional
25 complex fee shall be charged to each defendant, intervenor,
26 respondent, or adverse party appearing in the case, but the total
27 complex fees collected from all the defendants, intervenors,
28 respondents, or other adverse parties appearing in a complex case
29 shall not exceed ~~ten thousand dollars (\$10,000)~~ *eighteen thousand*
30 *dollars (\$18,000).*

31 (c) In each case in which the court determines that a case that
32 has been designated or counterdesignated as complex is not a
33 complex case, the court shall order reimbursement to the parties
34 of the amount of any complex case fees that the parties have
35 previously paid pursuant to subdivision (a) or (b).

36 (d) In each case determined to be complex in which the total
37 fees actually collected exceed, or if collected would exceed, the
38 limit in subdivision (b), the court shall make any order as is
39 necessary to ensure that the total complex fees paid by the
40 defendants, intervenors, respondents, or other adverse parties

1 appearing in the case do not exceed the limit and that the complex
2 fees paid by those parties are apportioned fairly among those
3 parties.

4 (e) The complex case fee established by this section shall be
5 ~~five hundred fifty dollars (\$550)~~ *one thousand dollars (\$1,000)*,
6 unless the fee is reduced pursuant to this section. The fee shall be
7 transmitted to the Trial Court Trust Fund as provided in Section
8 68085.1.

9 (f) The fees provided by this section are in addition to the filing
10 fee authorized by Section 70611, 70612, 70613, or 70614.

11 (g) Failure to pay the fees required by this section shall have
12 the same effect as the failure to pay a filing fee, and shall be subject
13 to the same enforcement and penalties.

14 (h) The amendments made to this section during the 2011–12
15 Regular Session of the Legislature do not constitute a change in,
16 but are declaratory of, existing law.

17 (i) *This section shall become inoperative on July 1, 2015, and,*
18 *as of January 1, 2016, is repealed, unless a later enacted statute,*
19 *that becomes operative on or before January 1, 2016, deletes or*
20 *extends the dates on which it becomes inoperative and is repealed.*

21 *SEC. 42. Section 70616 is added to the Government Code, to*
22 *read:*

23 *70616. (a) In addition to the first paper filing fee required by*
24 *Section 70611 or 70613, a single complex case fee shall be paid*
25 *to the clerk on behalf of all plaintiffs, whether filing separately or*
26 *jointly, either at the time of the filing of the first paper if the case*
27 *is designated as complex pursuant to the California Rules of Court,*
28 *or, if no such designation was made, in each case in which a court*
29 *determines that the case is a complex case pursuant to the*
30 *California Rules of Court, within 10 calendar days of the filing of*
31 *the court's order.*

32 *(b) In addition to the first appearance fee required under Section*
33 *70612 or 70614, a complex case fee shall be paid on behalf of*
34 *each defendant, intervenor, respondent, or adverse party, whether*
35 *filing separately or jointly, either at the time that party files its*
36 *first paper in a case if the case is designated or counterdesignated*
37 *as complex pursuant to the California Rules of Court, or, if no*
38 *such designation was made, in each case in which a court*
39 *determines that the case is a complex case pursuant to the*
40 *California Rules of Court, within 10 calendar days of the filing of*

1 *the court's order. This additional complex fee shall be charged to*
2 *each defendant, intervenor, respondent, or adverse party appearing*
3 *in the case, but the total complex fees collected from all the*
4 *defendants, intervenors, respondents, or other adverse parties*
5 *appearing in a complex case shall not exceed ten thousand dollars*
6 *(\$10,000).*

7 *(c) In each case in which the court determines that a case that*
8 *has been designated or counterdesignated as complex is not a*
9 *complex case, the court shall order reimbursement to the parties*
10 *of the amount of any complex case fees that the parties have*
11 *previously paid pursuant to subdivision (a) or (b).*

12 *(d) In each case determined to be complex in which the total*
13 *fees actually collected exceed, or if collected would exceed, the*
14 *limit in subdivision (b), the court shall make any order as is*
15 *necessary to ensure that the total complex fees paid by the*
16 *defendants, intervenors, respondents, or other adverse parties*
17 *appearing in the case do not exceed the limit and that the complex*
18 *fees paid by those parties are apportioned fairly among those*
19 *parties.*

20 *(e) The complex case fee established by this section shall be*
21 *five hundred fifty dollars (\$550), unless the fee is reduced pursuant*
22 *to this section. The fee shall be transmitted to the Trial Court Trust*
23 *Fund as provided in Section 68085.1.*

24 *(f) The fees provided by this section are in addition to the filing*
25 *fee authorized by Section 70611, 70612, 70613, or 70614.*

26 *(g) Failure to pay the fees required by this section shall have*
27 *the same effect as the failure to pay a filing fee, and shall be subject*
28 *to the same enforcement and penalties.*

29 *(h) The amendments made to the predecessor to this section*
30 *during the 2011–12 Regular Session of the Legislature do not*
31 *constitute a change in, but are declaratory of, existing law.*

32 *(i) This section shall become operative on July 1, 2015.*

33 *SEC. 43. Section 70617 of the Government Code, as amended*
34 *by Section 21 of Chapter 720 of the Statutes of 2010, is amended*
35 *to read:*

36 *70617. (a) Except as provided in subdivisions (d) and (e), the*
37 *uniform fee for filing a motion, application, or any other paper*
38 *requiring a hearing subsequent to the first paper, is ~~forty dollars~~*
39 *~~(\$40)~~ sixty dollars (\$60). Papers for which this fee shall be charged*
40 *include the following:*

1 (1) A motion listed in paragraphs (1) to (12), inclusive, of
2 subdivision (a) of Section 1005 of the Code of Civil Procedure.

3 (2) A motion or application to continue a trial date.

4 (3) An application for examination of a third person controlling
5 defendant's property under Section 491.110 or 491.150 of the
6 Code of Civil Procedure.

7 (4) Discovery motions under Title 4 (commencing with Section
8 2016.010) of Part 4 of the Code of Civil Procedure.

9 (5) A motion for a new trial of any civil action or special
10 proceeding.

11 (6) An application for an order for a judgment debtor
12 examination under Section 708.110 or 708.160 of the Code of
13 Civil Procedure.

14 (7) An application for an order of sale of a dwelling under
15 Section 704.750 of the Code of Civil Procedure.

16 (8) An ex parte application that requires a party to give notice
17 of the ex parte appearance to other parties.

18 (b) There shall be no fee under subdivision (a) or (c) for filing
19 any of the following:

20 (1) A motion, application, demurrer, request, notice, or
21 stipulation and order that is the first paper filed in an action and
22 on which a first paper filing fee is paid.

23 (2) An amended notice of motion.

24 (3) A civil case management statement.

25 (4) A request for trial de novo after judicial arbitration.

26 (5) A stipulation that does not require an order.

27 (6) A request for an order to prevent civil harassment.

28 (7) A request for an order to prevent domestic violence.

29 (8) A request for entry of default or default judgment.

30 (9) A paper requiring a hearing on a petition for emancipation
31 of a minor.

32 (10) A paper requiring a hearing on a petition for an order to
33 prevent abuse of an elder or dependent adult.

34 (11) A paper requiring a hearing on a petition for a writ of
35 review, mandate, or prohibition.

36 (12) A paper requiring a hearing on a petition for a decree of
37 change of name or gender.

38 (13) A paper requiring a hearing on a petition to approve the
39 compromise of a claim of a minor.

(c) The fee for filing the following papers not requiring a hearing is twenty dollars (\$20):

(1) A request, application, or motion for, or a notice of, the continuance of a hearing or case management conference. The fee shall be charged no more than once for each continuance. The fee shall not be charged if the continuance is required by the court.

(2) A stipulation and order.

(3) A request for an order authorizing service of summons by posting or by publication under Section 415.45 or 415.50 of the Code of Civil Procedure.

(d) The fee for filing a motion for summary judgment or summary adjudication of issues is five hundred dollars (\$500).

(e) (1) The fee for filing in the superior court an application to appear as counsel pro hac vice is five hundred dollars (\$500). This fee is in addition to any other fee required of the applicant. Two hundred fifty dollars (\$250) of the fee collected under this paragraph shall be transmitted to the state for deposit into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5. The remaining two hundred fifty dollars (\$250) of the fee shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(2) An attorney whose application to appear as counsel pro hac vice has been granted shall pay to the superior court, on or before the anniversary of the date the application was granted, an annual renewal fee of five hundred dollars (\$500) for each year that the attorney maintains pro hac vice status in the case in which the application was granted. The entire fee collected under this paragraph shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (c), (d), and (e) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

(g) This section shall become inoperative on July 1, ~~2013~~ 2015, and, as of January 1, ~~2014~~ 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2014~~ 2016, deletes or extends the dates on which it becomes inoperative and is repealed.

1 *SEC. 44. Section 70617 of the Government Code, as added by*
2 *Section 22 of Chapter 720 of the Statutes of 2010, is amended to*
3 *read:*

4 70617. (a) Except as provided in subdivisions (d) and (e), the
5 uniform fee for filing a motion, application, or any other paper
6 requiring a hearing subsequent to the first paper, is forty dollars
7 (\$40). Papers for which this fee shall be charged include the
8 following:

9 (1) A motion listed in paragraphs (1) to (12), inclusive, of
10 subdivision (a) of Section 1005 of the Code of Civil Procedure.

11 (2) A motion or application to continue a trial date.

12 (3) An application for examination of a third person controlling
13 defendant's property under Section 491.110 or 491.150 of the
14 Code of Civil Procedure.

15 (4) Discovery motions under Title 4 (commencing with Section
16 2016.010) of Part 4 of the Code of Civil Procedure.

17 (5) A motion for a new trial of any civil action or special
18 proceeding.

19 (6) An application for an order for a judgment debtor
20 examination under Section 708.110 or 708.160 of the Code of
21 Civil Procedure.

22 (7) An application for an order of sale of a dwelling under
23 Section 704.750 of the Code of Civil Procedure.

24 (8) An ex parte application that requires a party to give notice
25 of the ex parte appearance to other parties.

26 (b) There shall be no fee under subdivision (a) or (c) for filing
27 any of the following:

28 (1) A motion, application, demurrer, request, notice, or
29 stipulation and order that is the first paper filed in an action and
30 on which a first paper filing fee is paid.

31 (2) An amended notice of motion.

32 (3) A civil case management statement.

33 (4) A request for trial de novo after judicial arbitration.

34 (5) A stipulation that does not require an order.

35 (6) A request for an order to prevent civil harassment.

36 (7) A request for an order to prevent domestic violence.

37 (8) A request for entry of default or default judgment.

38 (9) A paper requiring a hearing on a petition for emancipation
39 of a minor.

1 (10) A paper requiring a hearing on a petition for an order to
2 prevent abuse of an elder or dependent adult.

3 (11) A paper requiring a hearing on a petition for a writ of
4 review, mandate, or prohibition.

5 (12) A paper requiring a hearing on a petition for a decree of
6 change of name or gender.

7 (13) A paper requiring a hearing on a petition to approve the
8 compromise of a claim of a minor.

9 (c) The fee for filing the following papers not requiring a hearing
10 is twenty dollars (\$20):

11 (1) A request, application, or motion for, or a notice of, the
12 continuance of a hearing or case management conference. The fee
13 shall be charged no more than once for each continuance. The fee
14 shall not be charged if the continuance is required by the court.

15 (2) A stipulation and order.

16 (3) A request for an order authorizing service of summons by
17 posting or by publication under Section 415.45 or 415.50 of the
18 Code of Civil Procedure.

19 (d) The fee for filing a motion for summary judgment or
20 summary adjudication of issues is ~~two hundred dollars (\$200)~~ *five*
21 *hundred dollars (\$500)*.

22 (e) (1) The fee for filing in the superior court an application to
23 appear as counsel pro hac vice is ~~two hundred fifty dollars (\$250)~~
24 *five hundred dollars (\$500)*. This fee is in addition to any other
25 fee required of the applicant. ~~The entire Two hundred fifty dollars~~
26 ~~(\$250) of the fee collected under this subdivision paragraph shall~~
27 ~~be transmitted to the state for deposit into the Immediate and~~
28 ~~Critical Needs Account of the State Court Facilities Construction~~
29 ~~Fund, established in Section 70371.5. The remaining two hundred~~
30 ~~fifty dollars (\$250) of the fee shall be transmitted to the state for~~
31 ~~deposit into the Trial Court Trust Fund, established in Section~~
32 ~~68085.~~

33 (2) *An attorney whose application to appear as counsel pro hac*
34 *vice has been granted shall pay to the superior court, on or before*
35 *the anniversary of the date the application was granted, an annual*
36 *renewal fee of five hundred dollars (\$500) for each year that the*
37 *attorney maintains pro hac vice status in the case in which the*
38 *application was granted. The entire fee collected under this*
39 *paragraph shall be transmitted to the state for deposit into the*
40 *Trial Court Trust Fund, established in Section 68085.*

(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (c), (d), and (e) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

(g) This section shall become operative on July 1, ~~2013~~ 2015.

SEC. 45. Section 70626 of the Government Code, as amended by Section 7 of Chapter 457 of the Statutes of 2009, is amended to read:

70626. (a) The fee for each of the following services is twenty-five dollars (\$25). Subject to subdivision ~~(d)~~ (e), amounts collected shall be distributed to the Trial Court Trust Fund under Section 68085.1.

(1) Issuing a writ of attachment, a writ of mandate, a writ of execution, a writ of sale, a writ of possession, a writ of prohibition, or any other writ for the enforcement of any order or judgment.

(2) Issuing an abstract of judgment.

(3) Issuing a certificate of satisfaction of judgment under Section 724.100 of the Code of Civil Procedure.

(4) Certifying a copy of any paper, record, or proceeding on file in the office of the clerk of any court.

(5) Taking an affidavit, except in criminal cases or adoption proceedings.

(6) Acknowledgment of any deed or other instrument, including the certificate.

(7) Recording or registering any license or certificate, or issuing any certificate in connection with a license, required by law, for which a charge is not otherwise prescribed.

(8) Issuing any certificate for which the fee is not otherwise fixed.

(b) The fee for each of the following services is thirty dollars (\$30). Subject to subdivision ~~(d)~~ (e), amounts collected shall be distributed to the Trial Court Trust Fund under Section 68085.1.

(1) Issuing an order of sale.

(2) Receiving and filing an abstract of judgment rendered by a judge of another court and subsequent services based on it, unless the abstract of judgment is filed under Section 704.750 or 708.160 of the Code of Civil Procedure.

(3) Filing a confession of judgment under Section 1134 of the Code of Civil Procedure.

1 (4) Filing an application for renewal of judgment under Section
2 683.150 of the Code of Civil Procedure.

3 (5) Issuing a commission to take a deposition in another state
4 or place under Section 2026.010 of the Code of Civil Procedure,
5 or issuing a subpoena under Section 2029.300 to take a deposition
6 in this state for purposes of a proceeding pending in another
7 jurisdiction.

8 (6) Filing and entering an award under the Workers'
9 Compensation Law (Division 4 (commencing with Section 3200)
10 of the Labor Code).

11 (7) Filing an affidavit of publication of notice of dissolution of
12 partnership.

13 (8) Filing an appeal of a determination whether a dog is
14 potentially dangerous or vicious under Section 31622 of the Food
15 and Agricultural Code.

16 (9) Filing an affidavit under Section 13200 of the Probate Code,
17 together with the issuance of one certified copy of the affidavit
18 under Section 13202 of the Probate Code.

19 (10) Filing and indexing all papers for which a charge is not
20 elsewhere provided, other than papers filed in actions or special
21 proceedings, official bonds, or certificates of appointment.

22 (c) The fee for filing a first petition under Section 2029.600 or
23 2029.620 of the Code of Civil Procedure, if the petitioner is not a
24 party to the out-of-state case, is eighty dollars (\$80). Amounts
25 collected shall be distributed to the Trial Court Trust Fund pursuant
26 to Section 68085.1.

27 *(d) The fee for delivering a will to the clerk of the superior court*
28 *in which the estate of a decedent may be administered, as required*
29 *by Section 8200 of the Probate Code, is fifty dollars (\$50).*

30 ~~(d)~~

31 (e) From July 1, 2011, to June 30, 2017, inclusive, ten dollars
32 (\$10) of each fee collected pursuant to subdivisions (a) and (b)
33 shall be used by the Judicial Council for the expenses of the
34 Judicial Council in implementing and administering the civil
35 representation pilot program under Section 68651.

36 ~~(e)~~

37 (f) This section shall become inoperative on July 1, 2017, and,
38 as of January 1, 2018, is repealed, unless a later enacted statute,
39 that becomes operative on or before January 1, 2018, deletes or
40 extends the dates on which it becomes inoperative and is repealed.

1 *SEC. 46. Section 70626 of the Government Code, as added by*
2 *Section 8 of Chapter 457 of the Statutes of 2009, is amended to*
3 *read:*

4 70626. (a) The fee for each of the following services is fifteen
5 dollars (\$15). Amounts collected shall be distributed to the Trial
6 Court Trust Fund under Section 68085.1.

7 (1) Issuing a writ of attachment, a writ of mandate, a writ of
8 execution, a writ of sale, a writ of possession, a writ of prohibition,
9 or any other writ for the enforcement of any order or judgment.

10 (2) Issuing an abstract of judgment.

11 (3) Issuing a certificate of satisfaction of judgment under Section
12 724.100 of the Code of Civil Procedure.

13 (4) Certifying a copy of any paper, record, or proceeding on file
14 in the office of the clerk of any court.

15 (5) Taking an affidavit, except in criminal cases or adoption
16 proceedings.

17 (6) Acknowledgment of any deed or other instrument, including
18 the certificate.

19 (7) Recording or registering any license or certificate, or issuing
20 any certificate in connection with a license, required by law, for
21 which a charge is not otherwise prescribed.

22 (8) Issuing any certificate for which the fee is not otherwise
23 fixed.

24 (b) The fee for each of the following services is twenty dollars
25 (\$20). Amounts collected shall be distributed to the Trial Court
26 Trust Fund under Section 68085.1.

27 (1) Issuing an order of sale.

28 (2) Receiving and filing an abstract of judgment rendered by a
29 judge of another court and subsequent services based on it, unless
30 the abstract of judgment is filed under Section 704.750 or 708.160
31 of the Code of Civil Procedure.

32 (3) Filing a confession of judgment under Section 1134 of the
33 Code of Civil Procedure.

34 (4) Filing an application for renewal of judgment under Section
35 683.150 of the Code of Civil Procedure.

36 (5) Issuing a commission to take a deposition in another state
37 or place under Section 2026.010 of the Code of Civil Procedure,
38 or issuing a subpoena under Section 2029.300 to take a deposition
39 in this state for purposes of a proceeding pending in another
40 jurisdiction.

1 (6) Filing and entering an award under the Workers'
2 Compensation Law (Division 4 (commencing with Section 3200)
3 of the Labor Code).

4 (7) Filing an affidavit of publication of notice of dissolution of
5 partnership.

6 (8) Filing an appeal of a determination whether a dog is
7 potentially dangerous or vicious under Section 31622 of the Food
8 and Agricultural Code.

9 (9) Filing an affidavit under Section 13200 of the Probate Code,
10 together with the issuance of one certified copy of the affidavit
11 under Section 13202 of the Probate Code.

12 (10) Filing and indexing all papers for which a charge is not
13 elsewhere provided, other than papers filed in actions or special
14 proceedings, official bonds, or certificates of appointment.

15 (c) The fee for filing a first petition under Section 2029.600 or
16 2029.620 of the Code of Civil Procedure, if the petitioner is not a
17 party to the out-of-state case, is eighty dollars (\$80). Amounts
18 collected shall be distributed to the Trial Court Trust Fund pursuant
19 to Section 68085.1.

20 (d) *The fee for delivering a will to the clerk of the superior court*
21 *in which the estate of a decedent may be administered, as required*
22 *by Section 8200 of the Probate Code, is fifty dollars (\$50).*

23 (d)

24 (e) This section shall become operative on July 1, 2017.

25 SEC. 47. *Section 70657 of the Government Code is amended*
26 *to read:*

27 70657. (a) Except as provided in subdivision (c), the uniform
28 fee for filing a motion or other paper requiring a hearing subsequent
29 to the first paper in a proceeding under the Probate Code, other
30 than a petition or application or opposition described in Sections
31 70657.5 and 70658, is ~~forty dollars (\$40)~~ *sixty dollars (\$60)*. This
32 fee shall be charged for the following papers:

33 (1) Papers listed in subdivision (a) of Section 70617.

34 (2) Applications for ex parte relief, whether or not notice of the
35 application to any person is required, except an ex parte petition
36 for discharge of a personal representative, conservator, or guardian
37 upon completion of a court-ordered distribution or transfer, for
38 which no fee shall be charged.

39 (3) Petitions or applications, or objections, filed subsequent to
40 issuance of temporary letters of conservatorship or guardianship

1 or letters of conservatorship or guardianship that are not subject
2 to the filing fee provided in subdivision (a) of Section 70658.

3 (4) The first or subsequent petition for temporary letters of
4 conservatorship or guardianship.

5 (b) There shall be no fee under subdivision (a) for filing any of
6 the papers listed under subdivision (b) of Section 70617.

7 (c) The summary judgment fee provided in subdivision (d) of
8 Section 70617 shall apply to summary judgment motions in
9 proceedings under the Probate Code.

10 (d) Regardless of whether each motion or matter is heard at a
11 single hearing or at separate hearings, the filing fees required by
12 subdivisions (a) and (c) apply separately to each motion or other
13 paper filed. The Judicial Council may publish rules to give uniform
14 guidance to courts in applying fees under this section.

15 (e) No fee is payable under this section for a petition or
16 opposition filed subsequent to issuance of letters of temporary
17 guardianship or letters of guardianship in a guardianship described
18 in Section 70654.

19 (f) *This section shall become inoperative on July 1, 2015, and,*
20 *as of January 1, 2016, is repealed, unless a later enacted statute,*
21 *that becomes operative on or before January 1, 2016, deletes or*
22 *extends the dates on which it becomes inoperative and is repealed.*

23 SEC. 48. Section 70657 is added to the Government Code, to
24 read:

25 70657. (a) *Except as provided in subdivision (c), the uniform*
26 *fee for filing a motion or other paper requiring a hearing*
27 *subsequent to the first paper in a proceeding under the Probate*
28 *Code, other than a petition or application or opposition described*
29 *in Sections 70657.5 and 70658, is forty dollars (\$40). This fee*
30 *shall be charged for the following papers:*

31 (1) *Papers listed in subdivision (a) of Section 70617.*

32 (2) *Applications for ex parte relief, whether or not notice of the*
33 *application to any person is required, except an ex parte petition*
34 *for discharge of a personal representative, conservator, or*
35 *guardian upon completion of a court-ordered distribution or*
36 *transfer, for which no fee shall be charged.*

37 (3) *Petitions or applications, or objections, filed subsequent to*
38 *issuance of temporary letters of conservatorship or guardianship*
39 *or letters of conservatorship or guardianship that are not subject*
40 *to the filing fee provided in subdivision (a) of Section 70658.*

1 (4) *The first or subsequent petition for temporary letters of*
2 *conservatorship or guardianship.*

3 (b) *There shall be no fee under subdivision (a) for filing any of*
4 *the papers listed under subdivision (b) of Section 70617.*

5 (c) *The summary judgment fee provided in subdivision (d) of*
6 *Section 70617 shall apply to summary judgment motions in*
7 *proceedings under the Probate Code.*

8 (d) *Regardless of whether each motion or matter is heard at a*
9 *single hearing or at separate hearings, the filing fees required by*
10 *subdivisions (a) and (c) apply separately to each motion or other*
11 *paper filed. The Judicial Council may publish rules to give uniform*
12 *guidance to courts in applying fees under this section.*

13 (e) *No fee is payable under this section for a petition or*
14 *opposition filed subsequent to issuance of letters of temporary*
15 *guardianship or letters of guardianship in a guardianship*
16 *described in Section 70654.*

17 (f) *This section shall become operative on July 1, 2015.*

18 SEC. 49. *Section 70677 of the Government Code is amended*
19 *to read:*

20 70677. (a) *The uniform fee for filing any motion, application,*
21 *order to show cause, or any other paper requiring a hearing*
22 *subsequent to the first paper is ~~forty dollars (\$40)~~ sixty dollars*
23 *(\$60). Papers for which this fee shall be charged include the*
24 *following:*

25 (1) *Papers listed in subdivision (a) of Section 70617.*

26 (2) *An order to show cause or notice of motion seeking*
27 *temporary prejudgment or postjudgment orders, including, but not*
28 *limited to, orders to establish, modify, or enforce child, spousal,*
29 *or partner support, custody and visitation of children, division and*
30 *control of property, attorney's fees, and bifurcation of issues.*

31 (b) *There shall be no fee under subdivision (a) of this section*
32 *for filing any of the following:*

33 (1) *A motion, motion to quash proceeding, application, or*
34 *demurrer that is the first paper filed in an action and on which a*
35 *first paper filing fee is paid.*

36 (2) *An amended notice of motion or amended order to show*
37 *cause.*

38 (3) *A statement to register foreign support under Section 4951*
39 *of the Family Code.*

1 (4) An application to determine the judgment after entry of
2 default.

3 (5) A request for an order to prevent domestic violence.

4 (6) A paper requiring a hearing on a petition for writ of review,
5 mandate, or prohibition that is the first paper filed in an action and
6 on which a first paper filing fee has been paid.

7 (7) A stipulation that does not require an order.

8 (c) The uniform fee for filing the following papers not requiring
9 a hearing is twenty dollars (\$20):

10 (1) A request, application, or motion for the continuance of a
11 hearing or case management conference.

12 (2) A stipulation and order.

13 (d) Regardless of whether each motion or matter is heard at a
14 single hearing or at separate hearings, the filing fees required under
15 paragraph (1) of subdivision (a) and under subdivision (c) apply
16 separately to each motion or other paper filed. If an order to show
17 cause or notice of motion is filed as specified in paragraph (2) of
18 subdivision (a) combining requests for relief or opposition to relief
19 on more than one issue, only one filing fee shall be charged under
20 this section. The Judicial Council may publish rules to give uniform
21 guidance to courts in applying fees under this section.

22 (e) *This section shall become inoperative on July 1, 2015, and,*
23 *as of January 1, 2016, is repealed, unless a later enacted statute,*
24 *that becomes operative on or before January 1, 2016, deletes or*
25 *extends the dates on which it becomes inoperative and is repealed.*

26 SEC. 50. Section 70677 is added to the Government Code, to
27 read:

28 70677. (a) *The uniform fee for filing any motion, application,*
29 *order to show cause, or any other paper requiring a hearing*
30 *subsequent to the first paper is forty dollars (\$40). Papers for*
31 *which this fee shall be charged include the following:*

32 (1) *Papers listed in subdivision (a) of Section 70617.*

33 (2) *An order to show cause or notice of motion seeking*
34 *temporary prejudgment or postjudgment orders, including, but*
35 *not limited to, orders to establish, modify, or enforce child, spousal,*
36 *or partner support, custody and visitation of children, division*
37 *and control of property, attorney's fees, and bifurcation of issues.*

38 (b) *There shall be no fee under subdivision (a) of this section*
39 *for filing any of the following:*

1 (1) A motion, motion to quash proceeding, application, or
2 demurrer that is the first paper filed in an action and on which a
3 first paper filing fee is paid.

4 (2) An amended notice of motion or amended order to show
5 cause.

6 (3) A statement to register foreign support under Section 4951
7 of the Family Code.

8 (4) An application to determine the judgment after entry of
9 default.

10 (5) A request for an order to prevent domestic violence.

11 (6) A paper requiring a hearing on a petition for writ of review,
12 mandate, or prohibition that is the first paper filed in an action
13 and on which a first paper filing fee has been paid.

14 (7) A stipulation that does not require an order.

15 (c) The uniform fee for filing the following papers not requiring
16 a hearing is twenty dollars (\$20):

17 (1) A request, application, or motion for the continuance of a
18 hearing or case management conference.

19 (2) A stipulation and order.

20 (d) Regardless of whether each motion or matter is heard at a
21 single hearing or at separate hearings, the filing fees required
22 under paragraph (1) of subdivision (a) and under subdivision (c)
23 apply separately to each motion or other paper filed. If an order
24 to show cause or notice of motion is filed as specified in paragraph
25 (2) of subdivision (a) combining requests for relief or opposition
26 to relief on more than one issue, only one filing fee shall be charged
27 under this section. The Judicial Council may publish rules to give
28 uniform guidance to courts in applying fees under this section.

29 (e) This section shall become operative on July 1, 2015.

30 SEC. 51. Section 72011 of the Government Code, as amended
31 by Section 134 of Chapter 296 of the Statutes of 2011, is amended
32 to read:

33 72011. (a) For each fee received for providing telephone
34 appearance services, each vendor or court that provides for
35 appearances by telephone shall transmit twenty dollars (\$20) to
36 the State Treasury for deposit in the Trial Court Trust Fund
37 established pursuant to Section 68085. If the vendor or court
38 receives a portion of the fee as authorized under paragraph (2) of
39 subdivision (b) of Section 367.6 of the Code of Civil Procedure,
40 the vendor or court shall transmit only the proportionate share of

1 the amount required under this section. This section shall apply
2 regardless of whether the Judicial Council has established the
3 statewide uniform fee pursuant to Section 367.6 of the Code of
4 Civil Procedure, or entered into one or more master agreements
5 pursuant to Section 72010 of this code. This section shall not apply
6 when a vendor or court does not receive a fee.

7 (b) The amounts described in subdivision (a) shall be transmitted
8 within 15 days after the end of each calendar quarter for fees
9 collected in that quarter.

10 (c) Vendors shall also transmit an amount equal to the total
11 amount of revenue received by all courts from all vendors for
12 providing telephonic appearances for the 2009–10 fiscal year.

13 (d) The amount set forth in subdivision (c) shall be apportioned
14 by the Judicial Council among the vendors with which the Judicial
15 Council has a master agreement pursuant to Section 72010. Within
16 15 days of receiving notice from the Judicial Council of its
17 apportioned amount, each vendor shall transmit that amount to the
18 State Treasury for deposit in the Trial Court Trust Fund.

19 (e) The Judicial Council shall allocate the amount collected
20 pursuant to subdivisions (c) and (d) for the purpose of preventing
21 significant disruption in services in courts that previously received
22 revenues from vendors for providing telephone appearance
23 services. The Judicial Council shall determine the method and
24 amount of the allocation to each eligible court.

25 ~~(f) This section shall become inoperative on July 1, 2013, and,~~
26 ~~as of January 1, 2014, is repealed, unless a later enacted statute,~~
27 ~~that becomes operative on or before January 1, 2014, deletes or~~
28 ~~extends the dates on which it becomes inoperative and is repealed.~~

29 *SEC. 52. Section 72011 of the Government Code, as added by*
30 *Section 25 of Chapter 720 of the Statutes of 2010, is repealed.*

31 ~~72011. (a) Vendors that provide for appearances by telephone~~
32 ~~shall transmit an amount equal to, and not to exceed, the total~~
33 ~~amount of revenue received by all courts from all vendors for~~
34 ~~providing telephone appearances for the 2009–10 fiscal year.~~

35 ~~(b) The amount set forth in subdivision (a) shall be apportioned~~
36 ~~by the Judicial Council among the vendors with which the Judicial~~
37 ~~Council has a master agreement pursuant to Section 72010. Within~~
38 ~~15 days of receiving notice from the Judicial Council of its~~
39 ~~apportioned amount, each vendor shall transmit that amount to the~~

1 State Treasury for deposit in the Trial Court Trust Fund established
2 pursuant to Section 68085.

3 ~~(e) The Judicial Council shall allocate the amount collected~~
4 ~~pursuant to subdivisions (a) and (b) for the purpose of preventing~~
5 ~~significant disruption in services in courts that previously received~~
6 ~~revenues from vendors for providing telephone appearance~~
7 ~~services. The Judicial Council shall determine the method and~~
8 ~~amount of the allocation to each eligible court.~~

9 ~~(d) This section shall become operative on July 1, 2013.~~

10 *SEC. 53. Section 76000.3 of the Government Code is amended*
11 *to read:*

12 76000.3. (a) Notwithstanding any other ~~provision of~~ law, for
13 each parking offense where a parking penalty, fine, or forfeiture
14 is imposed, an added penalty of three dollars (\$3) shall be imposed
15 in addition to the penalty, fine, or forfeiture set by the city, district,
16 or other issuing agency.

17 (b) For each infraction parking violation for which a penalty or
18 fine is collected in the courts of the county, the county treasurer
19 shall transmit the penalty imposed pursuant to subdivision (a) to
20 the Treasurer for deposit in the Trial Court Trust Fund established
21 by Section 68085. These moneys shall be taken from the penalties,
22 fines, and forfeitures deposited with the county treasurer prior to
23 any division pursuant to Section 1463.009 of the Penal Code. The
24 judges of the county shall increase the bail schedule amounts as
25 appropriate for infraction parking violations to reflect the added
26 penalty provided for by subdivision (a).

27 (c) In those cities, districts, or other issuing agencies which elect
28 to accept parking penalties, and otherwise process parking
29 violations pursuant to Article 3 (commencing with Section 40200)
30 of Chapter 1 of Division 17 of the Vehicle Code, that city, district,
31 or issuing agency shall collect the added penalty imposed by this
32 section. Each agency that elects to process parking violations shall
33 pay to the Treasurer for deposit in the Trial Court Trust Fund three
34 dollars (\$3) for each civil parking penalty collected on each
35 violation. Those payments to the Treasurer shall be made monthly.

36 ~~(d) This section shall become operative 60 days after the~~
37 ~~enactment of the Budget Act of 2010.~~

38 ~~(e) This section shall become inoperative on July 1, 2013, and,~~
39 ~~as of January 1, 2014, is repealed, unless a later enacted statute,~~

1 ~~that becomes operative on or before January 1, 2014, deletes or~~
2 ~~extends the dates on which it becomes inoperative and is repealed.~~

3 *SEC. 54. Section 77003 of the Government Code is amended*
4 *to read:*

5 77003. (a) As used in this chapter, “court operations” means
6 all of the following:

7 (1) Salaries, benefits, and public agency retirement contributions
8 for superior court judges and for subordinate judicial officers. For
9 purposes of this paragraph, “subordinate judicial officers” includes
10 all commissioner or referee positions created prior to July 1, 1997,
11 including positions created in the municipal court prior to July 1,
12 1997, which thereafter became positions in the superior court as
13 a result of unification of the municipal and superior courts in a
14 county, and including those commissioner positions created
15 pursuant to former Sections 69904, 70141, 70141.9, 70142.11,
16 72607, 73794, 74841.5, and 74908; and includes any staff who
17 provide direct support to commissioners; but does not include
18 commissioners or staff who provide direct support to the
19 commissioners whose positions were created after July 1, 1997,
20 unless approved by the Judicial Council, subject to availability of
21 funding.

22 (2) The salary, benefits, and public agency retirement
23 contributions for other court staff.

24 ~~(3) Those marshals and sheriffs as the court deems necessary~~
25 ~~for court operations.~~

26 (3) *Court security, but only to the extent consistent with court*
27 *responsibilities under Article 8.5 (commencing with Section 69920)*
28 *of Chapter 5.*

29 (4) Court-appointed counsel in juvenile court dependency
30 proceedings and counsel appointed by the court to represent a
31 minor pursuant to Chapter 10 (commencing with Section 3150)
32 of Part 2 of Division 8 of the Family Code.

33 (5) Services and supplies relating to court operations.

34 (6) Collective bargaining under Sections 71630 and 71639.3
35 with respect to court employees.

36 (7) Subject to paragraph (1) of subdivision (d) of Section 77212,
37 actual indirect costs for county and city and county general services
38 attributable to court operations, but specifically excluding, but not
39 limited to, law library operations conducted by a trust pursuant to
40 statute; courthouse construction; district attorney services;

1 probation services; indigent criminal defense; grand jury expenses
2 and operations; and pretrial release services.

3 (8) Except as provided in subdivision (b), *and subject to Article*
4 *8.5 (commencing with Section 69920) of Chapter 5*, other matters
5 listed as court operations in Rule 10.810 of the California Rules
6 of Court as it read on January 1, 2007.

7 (b) However, “court operations” does not include collection
8 enhancements as defined in Rule 10.810 of the California Rules
9 of Court as it read on January 1, 2007.

10 SEC. 55. *Section 77202 of the Government Code is amended*
11 *to read:*

12 77202. (a) The Legislature shall make an annual appropriation
13 to the Judicial Council for the general operations of the trial courts
14 based on the request of the Judicial Council. The Judicial Council’s
15 trial court budget request, which shall be submitted to the Governor
16 and the Legislature, shall meet the needs of all trial courts in a
17 manner that ensures a predictable fiscal environment for labor
18 negotiations in accordance with the Trial Court Employment
19 Protection and Governance Act (Chapter 7 (commencing with
20 Section 71600) of Title 8), that promotes equal access to the courts
21 statewide, and that promotes court financial accountability. The
22 annual budget request shall include the following components:

23 (1) Commencing with the 2006–07 fiscal year, annual General
24 Fund appropriations to support the trial courts shall be comprised
25 of both of the following:

26 (A) The current fiscal year General Fund appropriations, which
27 include all of the following:

28 (i) General Fund moneys appropriated for transfer or direct local
29 assistance in support of the trial courts.

30 (ii) Transfers to the ~~Judicial Administration Efficiency~~ *State*
31 *Trial Court Improvement* and Modernization Fund.

32 (iii) Local assistance grants made by the Judicial Council,
33 including the Equal Access Fund.

34 (iv) The full year cost of budget change proposals approved
35 through the 2006–07 fiscal year or subsequently approved in
36 accordance with paragraph (2), but excluding lease-revenue
37 payments and funding for costs specifically and expressly
38 reimbursed through other state or federal funding sources,
39 excluding the cost of one-time or expiring programs.

(B) A cost-of-living and growth adjustment computed by multiplying the year-to-year percentage change in the state appropriation limit as described in Section 3 of Article XIII B of the California Constitution by the sum of all of the following:

(i) The current year General Fund appropriations for the trial courts, as defined in subparagraph (A).

(ii) The amount of county obligations established pursuant to subdivision (b) of Section 77201.1 in effect as of June 30, 2005, six hundred ninety-eight million sixty-eight thousand dollars (\$698,068,000).

(iii) The level of funding required to be transferred from the *State Trial Court Improvement and Modernization* Fund to the Trial Court Trust Fund pursuant to subdivision (k) of Section 77209, ~~thirty-one thirteen million five hundred sixty-three three hundred ninety-seven thousand dollars—(\$31,563,000)~~ (\$13,397,000).

(iv) Funding deposited into the Court Facilities Trust Fund associated with each facility that was transferred to the state not less than two fiscal years earlier than the fiscal year for which the cost-of-living and growth adjustment is being calculated.

(v) The court filing fees and surcharges projected to be deposited into the Trial Court Trust Fund in the 2005–06 fiscal year, adjusted to reflect the full-year implementation of the uniform civil fee structure implemented on January 1, 2006, three hundred sixty-nine million six hundred seventy-two thousand dollars (\$369,672,000).

(2) In addition to the moneys to be applied pursuant to subdivision (b), the Judicial Council may identify and request additional funding for the trial courts for costs resulting from the implementation of statutory changes that result in either an increased level of service or a new activity that directly affects the programmatic or operational needs of the courts.

(b) The Judicial Council shall allocate the funding from the Trial Court Trust Fund to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost-saving measures in court operations, in order to guarantee access to justice to citizens of the state.

1 The Judicial Council shall ensure that allocations to the trial
2 courts recognize each trial court's implementation of efficiencies
3 and cost-saving measures.

4 These efficiencies and cost-saving measures shall include, but
5 not be limited to, the following:

6 (1) The sharing or merger of court support staff among trial
7 courts across counties.

8 (2) The assignment of any type of case to a judge for all
9 purposes commencing with the filing of the case and regardless
10 of jurisdictional boundaries.

11 (3) The establishment of a separate calendar or division to hear
12 a particular type of case.

13 (4) In rural counties, the use of all court facilities for hearings
14 and trials of all types of cases and the acceptance of filing
15 documents in any case.

16 (5) The use of alternative dispute resolution programs, such as
17 arbitration.

18 (6) The development and use of automated accounting and
19 case-processing systems.

20 (c) (1) The Judicial Council shall adopt policies and procedures
21 governing practices and procedures for budgeting in the trial courts
22 in a manner that best ensures the ability of the courts to carry out
23 their functions and may delegate the adoption to the Administrative
24 Director of the Courts. The Administrative Director of the Courts
25 shall establish budget procedures and an annual schedule of budget
26 development and management consistent with these rules.

27 (2) The trial court policies and procedures shall specify the
28 process for a court to transfer existing funds between or among
29 the budgeted program components to reflect changes in the court's
30 planned operation or to correct technical errors. If the process
31 requires a trial court to request approval of a specific transfer of
32 existing funds, the Administrative Office of the Courts shall review
33 the request to transfer funds and respond within 30 days of receipt
34 of the request. The Administrative Office of the Courts shall
35 respond to the request for approval or denial to the affected court,
36 in writing, with copies provided to the Department of Finance, the
37 Legislative Analyst's Office, the Legislature's budget committees,
38 and the court's affected labor organizations.

39 (3) The Judicial Council shall circulate for comment to all
40 affected entities any amendments proposed to the trial court

1 policies and procedures as they relate to budget monitoring and
2 reporting. Final changes shall be adopted at a meeting of the
3 Judicial Council.

4 *SEC. 56. Section 77203 of the Government Code is repealed.*

5 ~~77203. The Judicial Council may authorize a trial court to carry~~
6 ~~unexpended funds over from one fiscal year to the next, provided~~
7 ~~that the court carrying over the funds has fully implemented all~~
8 ~~provisions of former Rule 991 of the California Rules of Court as~~
9 ~~it read on July 1, 1996, regarding trial court coordination.~~

10 *SEC. 57. Section 77203 is added to the Government Code, to*
11 *read:*

12 *77203. (a) Prior to June 30, 2014, a trial court may carry*
13 *over all unexpended funds from the courts operating budget from*
14 *the prior fiscal year.*

15 *(b) Commencing June 30, 2014, a trial court may carry over*
16 *unexpended funds in an amount not to exceed 1 percent of the*
17 *courts operating budget from the prior fiscal year.*

18 *SEC. 58. Section 77204 of the Government Code is amended*
19 *to read:*

20 *77204. (a) The Judicial Council shall have the authority to*
21 *allocate funds appropriated annually to the State Trial Court Trust*
22 *Improvement and Modernization Fund for the purpose of paying*
23 *legal costs resulting from lawsuits or claims involving the state,*
24 *the Judicial Council, or a member or employee of the Judicial*
25 *Council or Administrative Office of the Court and arising out of*
26 *(1) the actions or conduct of a trial court, trial court bench officer,*
27 *or trial court employee, (2) a challenge to a California rule of court,*
28 *form, local trial court rule, or policy, or (3) the actions or conduct*
29 *of the Judicial Council or the Administrative Office of the Court*
30 *affecting one or more trial courts and for which the state is named*
31 *as a defendant or alleged to be the responsible party.*

32 *(b) For the purposes of this section, legal costs are defined to*
33 *be (1) the state's or Judicial Council's portion of any agreement,*
34 *settlement decree, stipulation, or stipulated judgment; (2) the state's*
35 *or Judicial Council's portion of any payment required pursuant to*
36 *a judgment or order; or (3) attorneys' fees, legal assistant fees, and*
37 *any litigation costs and expenses, including, but not limited to,*
38 *experts' fees incurred by the state or Judicial Council.*

39 *SEC. 59. Section 77205 of the Government Code is amended*
40 *to read:*

77205. (a) Notwithstanding any other provision of law, in any year in which a county collects fee, fine, and forfeiture revenue for deposit into the county general fund pursuant to Sections 1463.001 and 1464 of the Penal Code, Sections 42007, 42007.1, and 42008 of the Vehicle Code, and Sections 27361 and 76000 of, and subdivision (f) of Section 29550 of, the Government Code that would have been deposited into the General Fund pursuant to these sections as they read on December 31, 1997, and pursuant to Section 1463.07 of the Penal Code, and that exceeds the amount specified in paragraph (2) of subdivision (b) of Section 77201 for the 1997–98 fiscal year, and paragraph (2) of subdivision (b) of Section 77201.1 for the 1998–99 fiscal year, and thereafter, the excess amount shall be divided between the county or city and county and the state, with 50 percent of the excess transferred to the state for deposit in the *State Trial Court Improvement and Modernization* Fund and 50 percent of the excess deposited into the county general fund. The Judicial Council shall allocate 80 percent of the amount deposited in the *State Trial Court Improvement and Modernization* Fund pursuant to this subdivision each fiscal year that exceeds the amount deposited in the 2002–03 fiscal year among:

(1) The trial court in the county from which the revenue was deposited.

(2) Other trial courts, as provided in paragraph (1) of subdivision (a) of Section 68085.

(3) For retention in the *State Trial Court Improvement and Modernization* Fund.

For the purpose of this subdivision, fee, fine, and forfeiture revenue shall only include revenue that would otherwise have been deposited in the General Fund prior to January 1, 1998.

(b) Any amounts required to be distributed to the state pursuant to subdivision (a) shall be remitted to the Controller no later than 45 days after the end of the fiscal year in which those fees, fines, and forfeitures were collected. This remittance shall be accompanied by a remittance advice identifying the quarter of collection and stating that the amount should be deposited in the *State Trial Court Improvement and Modernization* Fund.

(c) Notwithstanding subdivision (a), the following counties whose base-year remittance requirement was reduced pursuant to subdivision (c) of Section 77201.1 shall not be required to split

their annual fee, fine, and forfeiture revenues as provided in this section until such revenues exceed the following amounts:

County	Amount
Placer	\$ 1,554,677
Riverside	11,028,078
San Joaquin	3,694,810
San Mateo	5,304,995
Ventura	4,637,294

SEC. 60. Section 77209 of the Government Code is amended to read:

77209. (a) There is in the State Treasury the *State Trial Court Improvement and Modernization Fund*. The *State Trial Court Improvement and Modernization Fund* is the successor fund of the *Trial Court Improvement Fund* and the *Judicial Administration Efficiency and Modernization Fund*. All assets, liabilities, revenues, and expenditures of the *Trial Court Improvement Fund* and the *Judicial Administration Efficiency and Modernization Fund* shall be transferred to and become a part of the *State Trial Court Improvement and Modernization Fund*. Any reference in state law to the *Trial Court Improvement Fund* or the *Judicial Administration Efficiency and Modernization Fund* shall be construed to refer to the *State Trial Court Improvement and Modernization Fund*.

~~(b) The Judicial Council shall reserve funds for projects by transferring 1 percent of the amount appropriated for support for operation of the trial courts to the Trial Court Improvement Fund. At least one-half of this amount shall be set aside as a reserve that shall not be allocated prior to March 15 of each year unless allocated to a court or courts for urgent needs.~~

(e)
(b) Any funds in the *State Trial Court Improvement and Modernization Fund* that are unencumbered at the end of the fiscal year shall be reappropriated to the *State Trial Court Improvement and Modernization Fund* for the following fiscal year.

~~(d)~~
(c) Moneys deposited in the *State Trial Court Improvement and Modernization Fund* shall be placed in an interest-bearing account.

1 Any interest earned shall accrue to the fund and shall be disbursed
2 pursuant to subdivision ~~(e)~~(d).

3 ~~(e)~~

4 (d) Moneys deposited in the *State Trial Court Improvement and*
5 *Modernization* Fund may be disbursed for purposes of this section.

6 ~~(f)~~

7 (e) Moneys deposited in the *State Trial Court Improvement and*
8 *Modernization* Fund pursuant to Section 68090.8 shall be allocated
9 by the Judicial Council for automated administrative system
10 improvements pursuant to that section and in furtherance of former
11 Rule 991 of the California Rules of Court, as it read on July 1,
12 1996. As used in this subdivision, “automated administrative
13 system” does not include electronic reporting systems for use in
14 a courtroom.

15 ~~(g)~~

16 (f) Moneys deposited in the *State Trial Court Improvement and*
17 *Modernization* Fund shall be administered by the Judicial Council.
18 The Judicial Council may, with appropriate guidelines, delegate
19 to the Administrative Director of the Courts the administration of
20 the fund. Moneys in the fund may be expended to implement trial
21 court projects approved by the Judicial Council. Expenditures may
22 be made to vendors or individual trial courts that have the
23 responsibility to implement approved projects.

24 ~~(h)~~

25 (g) Notwithstanding other provisions of this section, the
26 2-percent automation fund moneys deposited in the *State Trial*
27 *Court Improvement and Modernization* Fund pursuant to Section
28 68090.8 shall be allocated by the Judicial Council to statewide
29 initiatives related to trial court automation and their
30 implementation. The Judicial Council shall allocate the remainder
31 of the moneys deposited in the Trial Court Improvement Fund as
32 specified in this section.

33 For the purposes of this subdivision, “2-percent automation fund”
34 means the fund established pursuant to Section 68090.8 as it read
35 on June 30, 1996. As used in this subdivision, “statewide initiatives
36 related to trial court automation and their implementation” does
37 not include electronic reporting systems for use in a courtroom.

38 ~~(i)~~

39 (h) Royalties received from the publication of uniform jury
40 instructions shall be deposited in the *State Trial Court Improvement*

1 *and Modernization* Fund and used for the improvement of the jury
2 system.

3 ~~(j)~~

4 (i) The Judicial Council shall present an annual report to the
5 Legislature on the use of the *State Trial Court Improvement and*
6 *Modernization* Fund. The report shall include appropriate
7 recommendations.

8 ~~(k)~~

9 (j) Each fiscal year, the Controller shall transfer ~~thirty-one~~
10 ~~million five hundred sixty-three thousand dollars (\$31,563,000)~~
11 *thirteen million three hundred ninety-seven thousand dollars*
12 *(\$13,397,000)* from the *State Trial Court Improvement and*
13 *Modernization* Fund to the Trial Court Trust Fund for allocation
14 to trial courts for court operations.

15 *SEC. 61. Section 77213 of the Government Code is repealed.*

16 ~~77213. (a) There is in the State Treasury the Judicial~~
17 ~~Administration Efficiency and Modernization Fund.~~

18 ~~(b) Moneys deposited into this fund shall be administered by~~
19 ~~the Judicial Council, subject to appropriation by the Legislature.~~
20 ~~The Judicial Council may, with appropriate guidelines, delegate~~
21 ~~to the Administrative Office of the Courts the administration of~~
22 ~~the fund. Moneys in the fund may be expended to promote~~
23 ~~improved access, efficiency, and effectiveness in trial courts that~~
24 ~~have unified to the fullest extent permitted by law. Moneys in the~~
25 ~~fund may be expended to implement projects approved by the~~
26 ~~Judicial Council. Expenditures may be made to vendors or~~
27 ~~individual trial courts that have the responsibility to implement~~
28 ~~approved projects. Projects approved by the Judicial Council may~~
29 ~~include, but are not limited to, the following:~~

30 ~~(1) Support the payment for cost of judicial officers or court~~
31 ~~staff who participate in in-state education programs, or to support~~
32 ~~local trial court education programs.~~

33 ~~(2) Improved technology including information systems~~
34 ~~programming or equipment upgrades that meet standards approved~~
35 ~~by the Judicial Council and that promote efficiency and access to~~
36 ~~justice, or other technology that promotes access, efficiency, or~~
37 ~~security.~~

38 ~~(3) Retain experienced jurists by establishing incentives of~~
39 ~~enhanced judicial benefits and educational sabbaticals, not to~~

1 exceed 120 days every five years, as provided for by rules of court
2 adopted by the Judicial Council.

3 ~~(4) Acquire improved legal research through the use of law~~
4 ~~clerks or technology.~~

5 ~~(e) Annually, the Judicial Council shall adopt criteria, timelines,~~
6 ~~and procedures for the allocation of funds to support activities for~~
7 ~~the benefit of qualified courts. The Judicial Council may allocate~~
8 ~~funding to pay program costs directly, contract with courts, and~~
9 ~~permanently reallocate funding to courts subject to the following~~
10 ~~limitations:~~

11 ~~(1) Not more than 20 percent of the fund may be permanently~~
12 ~~reallocated pursuant to paragraph (1) of subdivision (b). The~~
13 ~~Judicial Council shall develop a plan which will permit the~~
14 ~~extension of the benefits to all judges of the state at such time when~~
15 ~~the trial courts of all counties have unified to the maximum extent~~
16 ~~permitted by law.~~

17 ~~(2) Not more than 40 percent may be permanently reallocated~~
18 ~~to trial courts for any other purpose approved by the Judicial~~
19 ~~Council.~~

20 ~~(3) The Judicial Council shall retain at least 40 percent of the~~
21 ~~funding to support annual allocations for improvement projects~~
22 ~~and programs in qualifying courts.~~

23 ~~(4) Written notice shall be given to the Director of the~~
24 ~~Department of Finance and the Joint Legislative Budget Committee~~
25 ~~of any permanent reallocation.~~

26 ~~(d) Except as specified in this section, the funding in the Judicial~~
27 ~~Administration Efficiency and Modernization Fund shall be subject~~
28 ~~to the expenditures as specified in Section 77205. Any funds in~~
29 ~~the Judicial Administration Efficiency and Modernization Fund~~
30 ~~that are unencumbered at the end of the fiscal year shall be retained~~
31 ~~in the Judicial Administration Efficiency and Modernization Fund~~
32 ~~for the following fiscal year.~~

33 ~~(e) Moneys deposited in the Judicial Administration Efficiency~~
34 ~~and Modernization Fund shall be placed in an interest-bearing~~
35 ~~account. Any interest earned shall accrue to the fund and shall be~~
36 ~~disbursed pursuant to subdivision (f).~~

37 ~~(f) Money deposited in the Judicial Administration Efficiency~~
38 ~~and Modernization Fund may be disbursed for purposes of this~~
39 ~~section.~~

1 SEC. 62. *Section 1170.05 of the Penal Code is amended to*
2 *read:*

3 1170.05. (a) Notwithstanding any other law, the Secretary of
4 the Department of Corrections and Rehabilitation is authorized to
5 offer a program under which female inmates, ~~pregnant inmates,~~
6 ~~or inmates who were primary caregivers of dependent children~~
7 ~~immediately prior to incarceration,~~ as specified in subdivision (c),
8 who are not precluded by subdivision (d), and who have been
9 committed to state prison may be allowed to participate in a
10 voluntary alternative custody program as defined in subdivision
11 (b) in lieu of their confinement in state prison. In order to qualify
12 for the program an offender need not be confined in an institution
13 under the jurisdiction of the Department of Corrections and
14 Rehabilitation. Under this program, one day of participation in an
15 alternative custody program shall be in lieu of one day of
16 incarceration in the state prison. Participants in the program shall
17 receive any sentence reduction credits that they would have
18 received had they served their sentence in the state prison, and
19 shall be subject to denial and loss of credit pursuant to subdivision
20 (a) of Section 2932. The department may enter into contracts with
21 county agencies, not-for-profit organizations, for-profit
22 organizations, and others in order to promote alternative custody
23 placements.

24 (b) As used in this section, an alternative custody program shall
25 include, but not be limited to, the following:

26 (1) Confinement to a residential home during the hours
27 designated by the department.

28 (2) Confinement to a residential drug or treatment program
29 during the hours designated by the department.

30 (3) Confinement to a transitional care facility that offers
31 appropriate services.

32 (c) Except as provided by subdivision (d), female inmates;
33 ~~pregnant inmates, or inmates who were primary caregivers of~~
34 ~~dependent children immediately prior to incarceration~~ sentenced
35 to state prison for a determinate term of imprisonment pursuant to
36 Section 1170, and only those persons, shall be eligible to participate
37 in the alternative custody program authorized by this section.

38 (d) An inmate committed to the state prison who meets any of
39 the following criteria shall not be eligible to participate in the
40 alternative custody program:

1 (1) The person has a current ~~or prior~~ conviction for a violent
2 felony as defined in Section 667.5.

3 (2) The person has a current ~~or prior~~ conviction for a serious
4 felony as defined in Sections 1192.7 and 1192.8.

5 (3) The person has a current or prior conviction for an offense
6 that requires the person to register as a sex offender as provided
7 in Chapter 5.5 (commencing with Section 290) of Title 9 of Part
8 1.

9 (4) The person was screened by the department using a validated
10 risk assessment tool and determined to pose a high risk to commit
11 a violent offense.

12 (5) The person has a history, within the last 10 years, of escape
13 from a facility while under juvenile or adult custody, including,
14 but not limited to, any detention facility, camp, jail, or state prison
15 facility.

16 (e) An alternative custody program shall include the use of
17 electronic monitoring, global positioning system devices, or other
18 supervising devices for the purpose of helping to verify a
19 participant's compliance with the rules and regulations of the
20 program. The devices shall not be used to eavesdrop or record any
21 conversation, except a conversation between the participant and
22 the person supervising the participant, in which case the recording
23 of such a conversation is to be used solely for the purposes of voice
24 identification.

25 (f) (1) In order to implement alternative custody for the
26 population specified in subdivision (c), the department shall create,
27 and the participant shall agree to and fully participate in, an
28 individualized treatment and rehabilitation plan ~~of evidence-based~~
29 ~~programs and services that will aid in the successful reentry into~~
30 ~~society while he or she takes part in alternative custody. When~~
31 *available and appropriate for the individualized treatment and*
32 *rehabilitation plan, the department shall prioritize the use of*
33 *evidence-based programs and services that will aid in the*
34 *successful reentry into society while she takes part in alternative*
35 *custody. Case management services shall be provided to support*
36 *rehabilitation and to track the progress and individualized*
37 *treatment plan compliance of the inmate.*

38 ~~(2) The department shall collaborate with local law enforcement~~
39 ~~and community-based programs that administer evidence-based~~
40 ~~practices in order to prevent recidivism among individuals placed~~

1 ~~in alternative custody and assist in reentry into society. Mandatory~~
2 ~~case management services shall be provided to support~~
3 ~~rehabilitation, and to track the progress and individualized~~
4 ~~treatment plan compliance of the inmate.~~

5 (3)

6 (2) For purposes of this section, “evidence-based practices”
7 means supervision policies, procedures, programs, and practices
8 demonstrated by scientific research to reduce recidivism among
9 individuals under probation, parole, or postrelease *community*
10 supervision.

11 (g) The secretary shall prescribe reasonable rules and regulations
12 under which the alternative custody program shall operate. The
13 department shall adopt regulations necessary to effectuate this
14 section, including emergency regulations as provided under Section
15 5058.3 and adopted pursuant to the Administrative Procedure Act
16 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
17 Division 3 of Title 2 of the Government Code). The participant
18 shall be informed in writing that ~~he or~~ she shall comply with the
19 rules and regulations of the program, including, but not limited to,
20 the following rules:

21 (1) The participant shall remain within the interior premises of
22 ~~his or~~ her residence during the hours designated by the secretary
23 or his or her designee.

24 (2) The participant shall be subject to search and seizure by a
25 peace officer at any time of the day or night, with or without cause.
26 In addition, the participant shall admit any peace officer designated
27 by the secretary or his or her designee into the participant’s
28 residence at any time for purposes of verifying the participant’s
29 compliance with the conditions of ~~his or~~ her detention. Prior to
30 participation in the alternative custody program, all participants
31 shall agree in writing to these terms and conditions.

32 (3) The secretary or his or her designee may immediately retake
33 the participant into custody to serve the balance of ~~his or~~ her
34 sentence if the electronic monitoring or supervising devices are
35 unable for any reason to properly perform their function at the
36 designated place of detention, if the participant fails to remain
37 within the place of detention as stipulated in the agreement, or if
38 the participant for any other reason no longer meets the established
39 criteria under this section.

(h) Whenever a peace officer supervising a participant has reasonable suspicion to believe that the participant is not complying with the rules or conditions of the program, or that the electronic monitoring devices are unable to function properly in the designated place of confinement, the peace officer may, under general or specific authorization of the secretary or his or her designee, and without a warrant of arrest, retake the participant into custody to complete the remainder of the original sentence.

(i) Nothing in this section shall be construed to require the secretary or his or her designee to allow an inmate to participate in this program if it appears from the record that the inmate has not satisfactorily complied with reasonable rules and regulations while in custody. An inmate shall be eligible for participation in an alternative custody program only if the secretary or his or her designee concludes that the inmate meets the criteria for program participation established under this section and that the inmate's participation is consistent with any reasonable rules and regulations prescribed by the secretary.

(1) The rules and regulations and administrative policies of the program shall be written and shall be given or made available to the participant upon assignment to the alternative custody program.

(2) The secretary or his or her designee shall have the sole discretion concerning whether to permit program participation as an alternative to custody in state prison. A risk and needs assessment shall be completed on each inmate to assist in the determination of eligibility for participation and the type of alternative custody.

(j) The secretary or his or her designee shall permit program participants to seek and retain employment in the community, attend psychological counseling sessions or educational or vocational training classes, participate in life skills or parenting training, utilize substance abuse treatment services, or seek medical and dental assistance based upon the participant's individualized treatment and release plan. Participation in other rehabilitative services and programs may be approved by the case manager if it is specified as a requirement of the inmate's individualized treatment and rehabilitative case plan. Willful failure of the program participant to return to the place of detention not later than the expiration of any period of time during which ~~he or~~ she is authorized to be away from the place of detention pursuant to

1 this section, unauthorized departures from the place of detention,
2 or tampering with or disabling, or attempting to tamper with or
3 disable, an electronic monitoring device shall subject the participant
4 to a return to custody pursuant to subdivisions (g) and (h). In
5 addition, participants may be subject to forfeiture of credits
6 pursuant to the provisions of Section 2932, or to discipline for
7 violation of rules established by the secretary.

8 (k) (1) Notwithstanding any other law, the secretary or his or
9 her designee shall provide the information specified in paragraph
10 (2) regarding participants in an alternative custody program to the
11 law enforcement agencies of the jurisdiction in which persons
12 participating in an alternative custody program reside.

13 (2) The information required by paragraph (1) shall consist of
14 the following:

15 (A) The participant's name, address, and date of birth.

16 (B) The offense committed by the participant.

17 (C) The period of time the participant will be subject to an
18 alternative custody program.

19 (3) The information received by a law enforcement agency
20 pursuant to this subdivision may be used for the purpose of
21 monitoring the impact of an alternative custody program on the
22 community.

23 (l) It is the intent of the Legislature that the alternative custody
24 program established under this section maintain the highest public
25 confidence, credibility, and public safety. In the furtherance of
26 these standards, the secretary may administer an alternative custody
27 program pursuant to written contracts with appropriate public
28 agencies or entities to provide specified program services. No
29 public agency or entity entering into a contract may itself employ
30 any person who is in an alternative custody program. The
31 department shall determine the recidivism rate of each participant
32 in an alternative custody program.

33 (m) An inmate participating in this program must voluntarily
34 agree to all of the provisions of the program in writing, including
35 that ~~he or~~ she may be returned to confinement at any time with or
36 without cause, and shall not be charged fees or costs for the
37 program.

38 (n) The state shall retain responsibility for the medical, dental,
39 and mental health needs of individuals participating in the
40 alternative custody program.

(o) The secretary shall adopt emergency regulations specifically governing participants in this program.

~~(p) A person is a primary caregiver of a dependent child for purposes of this section if all of the following criteria are met:~~

~~(1) The child is the inmate's son, daughter, stepchild, adopted child, or foster child.~~

~~(2) The child is 17 years of age or less at the time of the inmate's placement into the alternative custody program.~~

~~(3) The child resided with the inmate for the majority of the year preceding the inmate's arrest.~~

~~(4) At the time the inmate was arrested, the inmate had physical custody of the child and was primarily responsible for the care and upbringing of the child.~~

~~(q)~~

(p) If any a phrase, clause, sentence, or provision of this section or application thereof to any a person or circumstance is held invalid, such that invalidity shall not affect any other phrase, clause, sentence, or provision or application of this section, which can be given effect without the invalid phrase, clause, sentence, or provision or application and to this end the provisions of this section are declared to be severable.

SEC. 63. Section 1231 of the Penal Code is amended to read:

1231. (a) Community corrections programs funded pursuant to this act shall identify and track specific outcome-based measures consistent with the goals of this act.

(b) The Administrative Office of the Courts, in consultation with the Chief Probation Officers of California, shall specify and define minimum required outcome-based measures, which shall include, but not be limited to, all of the following:

(1) The percentage of persons on felony probation who are being supervised in accordance with evidence-based practices.

(2) The percentage of state moneys expended for programs that are evidence-based, and a descriptive list of all programs that are evidence-based.

(3) Specification of supervision policies, procedures, programs, and practices that were eliminated.

(4) The percentage of persons on felony probation who successfully complete the period of probation.

(c) Each CPO receiving funding pursuant to Sections 1233 to 1233.6, inclusive, shall provide an annual written report to the

1 Administrative Office of the Courts and the Department of
2 Corrections and Rehabilitation evaluating the effectiveness of the
3 community corrections program, including, but not limited to, the
4 data described in subdivision (b).

5 (d) The Administrative Office of the Courts shall, in consultation
6 with the CPO of each county and the Department of Corrections
7 and Rehabilitation, provide a quarterly statistical report to the
8 Department of Finance including, but not limited to, the following
9 statistical information for each county:

10 (1) The number of felony filings.

11 (2) The number of felony convictions.

12 (3) The number of felony convictions in which the defendant
13 was sentenced to the state prison.

14 (4) The number of felony convictions in which the defendant
15 was granted probation.

16 (5) The adult felon probation population.

17 (6) The number of felons who had their probation revoked and
18 were sent to prison for that revocation.

19 (7) The number of adult felony probationers sent to state prison
20 for a conviction of a new felony offense, including when probation
21 was revoked or terminated.

22 (8) *The number of felons who had their probation revoked and*
23 *were sent to county jail for that revocation.*

24 (9) *The number of adult felony probationers sent to county jail*
25 *for a conviction of a new felony offense, including when probation*
26 *was revoked or terminated.*

27 SEC. 64. Section 1233.1 of the Penal Code is amended to read:

28 1233.1. After the conclusion of each calendar year following
29 the enactment of this section, the Director of Finance, in
30 consultation with the Department of Corrections and Rehabilitation,
31 the Joint Legislative Budget Committee, the Chief Probation
32 Officers of California, and the Administrative Office of the Courts,
33 shall calculate the following for that calendar year:

34 (a) The cost to the state to incarcerate in prison and supervise
35 on parole a probationer sent to prison. This calculation shall take
36 into consideration factors, including, but not limited to, the average
37 length of stay in prison and on parole for probationers, as well as
38 the associated parole revocation rates, and revocation costs.

39 (b) The statewide probation ~~failure~~ *to prison* rate. The statewide
40 probation ~~failure~~ *to prison* rate shall be calculated as the total

1 number of adult felony probationers statewide sent to prison in the
2 previous year as a percentage of the average statewide adult felony
3 probation population for that year.

4 (c) A probation failure *to prison* rate for each county. Each
5 county's probation failure *to prison* rate shall be calculated as the
6 number of adult felony probationers sent to prison from that county
7 in the previous year as a percentage of the county's average adult
8 felony probation population for that year.

9 (d) An estimate of the number of adult felony probationers each
10 county successfully prevented from being sent to prison. For each
11 county, this estimate shall be calculated based on the reduction in
12 the county's probation failure *to prison* rate as calculated annually
13 pursuant to subdivision (c) of this section and the county's baseline
14 probation failure rate as calculated pursuant to Section 1233. In
15 making this estimate, the Director of Finance, in consultation with
16 the Department of Corrections and Rehabilitation, the Joint
17 Legislative Budget Committee, the Chief Probation Officers of
18 California, and the Administrative Office of the Courts, shall adjust
19 the calculations to account for changes in each county's adult
20 felony probation caseload in the most recent completed calendar
21 year as compared to the county's adult felony probation population
22 during the period 2006 to 2008, inclusive.

23 (e) In calculating probation failure *to prison* rates for the state
24 and individual counties, the number of adult felony probationers
25 sent to prison shall include those adult felony probationers sent to
26 state prison for a revocation of probation, as well as adult felony
27 probationers sent to state prison for a conviction of a new felony
28 offense. The calculation shall also include adult felony probationers
29 who are sent to prison for conviction of a new crime and who
30 simultaneously have their probation terms terminated.

31 *SEC. 65. Section 1233.6 of the Penal Code is amended to read:*

32 1233.6. (a) Probation failure reduction incentive payments
33 and high performance grants calculated for any calendar year shall
34 be provided to counties in the following fiscal year. The total
35 annual payment to each county shall be divided into four equal
36 quarterly payments.

37 (b) The Department of Finance shall include an estimate of the
38 total probation failure reduction incentive payments and high
39 performance grants to be provided to counties in the coming fiscal
40 year as part of the Governor's proposed budget released no later

than January 10 of each year. This estimate shall be adjusted by the Department of Finance, as necessary, to reflect the actual calculations of probation revocation incentive payments and high performance grants completed by the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts. This adjustment shall occur as part of standard budget revision processes completed by the Department of Finance in April and May of each year.

(c) There is hereby established, in the State Treasury, the State Community Corrections Performance Incentives Fund, which is continuously appropriated. Moneys appropriated for purposes of providing probation revocation incentive payments and high performance grants authorized in Sections 1230 to 1233.6, inclusive, shall be transferred into this fund from the General Fund. Any moneys transferred into this fund from the General Fund shall be administered by the Administrative Office of the Courts and the share calculated for each county probation department shall be transferred to its Community Corrections Performance Incentives Fund authorized in Section 1230. ~~No more than 1 percent of the estimated savings to the state resulting from the population of felony probationers successfully prevented from being sent to state prison, as calculated by the Department of Finance, The Department of Finance, in consultation with the Administrative Office of the Courts, shall determine a funding amount not to exceed 1 percent of the estimated savings to the state resulting from the population of felony probationers successfully prevented from being sent to state prison, that shall be appropriated for use by the Administrative Office of the Courts for the costs of implementing and administering this program and the 2011 Realignment Legislation addressing public safety.~~

(d) For each fiscal year, the Director of Finance shall determine the total amount of the State Community Corrections Performance Incentives Fund and the amount to be allocated to each county, pursuant to this section and Sections 1230 to 1233.5, inclusive, and shall report those amounts to the Controller. The Controller shall make an allocation from the State Community Corrections Performance Incentives Fund authorized in subdivision (c) to each county in accordance with the amounts provided.

1 *SEC. 66. Section 1233.61 of the Penal Code is amended to*
2 *read:*

3 1233.61. Notwithstanding any other provision of law, any
4 moneys remaining in the State Community Corrections
5 Performance Incentives Fund, after the calculation and award
6 determination of each county's tier payments or high performance
7 grant payments pursuant to Sections 1233.3 and 1233.4, shall be
8 distributed to county probation departments as follows:

9 (a) The Department of Finance shall increase the award amount
10 for any county whose tier payment or high performance grant
11 payment, as calculated pursuant to Sections 1233.3 and 1233.4,
12 totals less than ~~one~~ two hundred thousand dollars ~~(\$100,000)~~
13 (\$200,000) to no more than ~~one~~ two hundred thousand dollars
14 ~~(\$100,000)~~ (\$200,000).

15 (b) The Department of Finance shall evenly distribute any
16 remaining funds to those counties that did not receive a tier
17 payment or a high performance grant payment, as calculated
18 pursuant to Sections 1233.3 and 1233.4.

19 (c) At no time shall an award provided to a county through
20 subdivision (b) exceed the amount of a grant award provided to
21 counties that are eligible to receive increased award amounts
22 pursuant to subdivision (a).

23 (d) Any county receiving funding through subdivision (b) shall
24 submit a report to the Administrative Office of the Courts and the
25 Chief Probation Officers of California describing how they plan
26 on using the funds to enhance their ability to be successful under
27 this act.

28 (e) This section shall remain in effect only until June 30, 2013,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before June 30, 2013, deletes or extends that date.

31 *SEC. 67. Section 1465.8 of the Penal Code, as amended by*
32 *Section 6 of Chapter 40 of the Statutes of 2011, is amended to*
33 *read:*

34 1465.8. (a) (1) To assist in funding court operations, an
35 assessment of forty dollars (\$40) shall be imposed on every
36 conviction for a criminal offense, including a traffic offense, except
37 parking offenses as defined in subdivision (i) of Section 1463,
38 involving a violation of a section of the Vehicle Code or any local
39 ordinance adopted pursuant to the Vehicle Code.

(2) For the purposes of this section, “conviction” includes the dismissal of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school, as authorized by Sections 41501 and 42005 of the Vehicle Code. This court operations assessment shall be deposited in accordance with subdivision (d), and may not be included with the fee calculated and distributed pursuant to Section 42007 of the Vehicle Code.

(b) This assessment shall be in addition to the state penalty assessed pursuant to Section 1464 and may not be included in the base fine to calculate the state penalty assessment as specified in subdivision (a) of Section 1464. The penalties authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and the state surcharge authorized by Section 1465.7, do not apply to this assessment.

(c) When bail is deposited for an offense to which this section applies, and for which a court appearance is not necessary, the person making the deposit shall also deposit a sufficient amount to include the assessment prescribed by this section.

(d) Notwithstanding any other provision of law, the assessments collected pursuant to subdivision (a) shall all be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund. The assessments collected pursuant to this section shall not be subject to subdivision (e) of Section 1203.1d, but shall be disbursed under subdivision (b) of Section 1203.1d.

(e) The Judicial Council shall provide for the administration of this section.

~~(f) This section shall remain in effect only until July 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2013, deletes or extends that date.~~

SEC. 68. Section 1465.8 of the Penal Code, as amended by Section 7 of Chapter 40 of the Statutes of 2011, is repealed.

~~1465.8. (a) (1) To assist in funding court operations, an assessment of thirty dollars (\$30) shall be imposed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.~~

~~(2) For the purposes of this section, “conviction” includes the dismissal of a traffic violation on the condition that the defendant~~

~~1 attend a court-ordered traffic violator school, as authorized by
2 Sections 41501 and 42005 of the Vehicle Code. This court
3 operations assessment shall be deposited in accordance with
4 subdivision (d), and may not be included with the fee calculated
5 and distributed pursuant to Section 42007 of the Vehicle Code.~~

~~6 (b) This assessment shall be in addition to the state penalty
7 assessed pursuant to Section 1464 and may not be included in the
8 base fine to calculate the state penalty assessment as specified in
9 subdivision (a) of Section 1464. The penalties authorized by
10 Chapter 12 (commencing with Section 76000) of Title 8 of the
11 Government Code, and the state surcharge authorized by Section
12 1465.7, do not apply to this assessment.~~

~~13 (c) When bail is deposited for an offense to which this section
14 applies, and for which a court appearance is not necessary, the
15 person making the deposit shall also deposit a sufficient amount
16 to include the assessment prescribed by this section.~~

~~17 (d) Notwithstanding any other provision of law, the assessments
18 collected pursuant to subdivision (a) shall all be deposited in a
19 special account in the county treasury and transmitted therefrom
20 monthly to the Controller for deposit in the Trial Court Trust Fund.~~

~~21 (e) The Judicial Council shall provide for the administration of
22 this section.~~

~~23 (f) This section shall become operative on July 1, 2013.~~

~~24 SEC. 69. Section 2065 of the Penal Code is amended to read:~~

~~25 2065. (a) The Department of Corrections and Rehabilitation
26 shall complete all of the tasks associated with inmates granted
27 medical parole pursuant to Section 3550 that are specified in this
28 section. Subdivisions (c) and (d) shall apply only to the period of
29 time that inmates are on medical parole.~~

~~30 (b) The department shall seek to enter into memoranda of
31 understanding with the Social Security Administration and the
32 State Department of Health Care Services, in addition to other
33 federal, state, or county entities necessary to facilitate prerelease
34 agreements to help inmates initiate benefits claims.~~

~~35 (c) This subdivision shall be implemented in a manner that is
36 consistent with federal Medicaid law and regulations. The Director
37 of Health Care Services shall seek any necessary federal approvals
38 for the implementation of this subdivision. Claiming of federal
39 Medicaid funds shall be implemented only to the extent that federal
40 approval, if necessary, is obtained. If an inmate is granted medical~~

1 parole and found to be eligible for Medi-Cal, all of the following
2 shall apply:

3 ~~(1) The hospital shall first bill Medi-Cal to obtain any available~~
4 ~~reimbursement.~~

5 *(1) Hospitals, nursing facilities, and other providers providing*
6 *services to medical parolees shall invoice the department in*
7 *accordance with contracted rates of reimbursement or, if no*
8 *contract is in place, pursuant to Section 5023.5.*

9 ~~(2) Upon providing receipt of an acceptable invoice claim, the~~
10 ~~department shall reimburse county public hospitals on a quarterly~~
11 ~~basis for all of the following: hospitals, nursing facilities, and~~
12 ~~other providers for services provided to medical parolees in~~
13 ~~accordance with contracted rates of reimbursement or, if no~~
14 ~~contract is in place, pursuant to Section 5023.5.~~

15 ~~(A) The nonfederal share of Medi-Cal costs incurred by the~~
16 ~~county for individuals who have been granted medical parole.~~

17 ~~(B) An amount equal to the county costs for providing health~~
18 ~~care services that are not allowable under Medi-Cal but are required~~
19 ~~by the state to be furnished to eligible individuals who have been~~
20 ~~granted medical parole, including public guardianship health care~~
21 ~~services.~~

22 ~~(3) The department shall directly provide, or provide~~
23 ~~reimbursement on a quarterly basis, after invoicing, for allowable~~
24 ~~costs that cannot be claimed as Medi-Cal expenditures under~~
25 ~~targeted case management and the nonfederal share of services~~
26 ~~associated with public guardianship that can be claimed as~~
27 ~~Medi-Cal expenditures submit a quarterly invoice to the State~~
28 ~~Department of Health Care Services for medical parolees who are~~
29 ~~eligible for Medi-Cal for federal claiming and reimbursement of~~
30 ~~allowable federal Medicaid funds.~~

31 ~~(4) The State Department of Health Care Services shall remit~~
32 ~~funds received for federal financial participation to the department~~
33 ~~may provide supplemental reimbursements to providers amounting~~
34 ~~to a total reimbursement that is allowable pursuant to Section~~
35 ~~5023.5. These supplemental reimbursements may only be paid to~~
36 ~~the extent they comply with federal and state law and regulations.~~
37 ~~The Director of Health Care Services may work with the~~
38 ~~department to modify these supplemental reimbursements to the~~
39 ~~extent necessary to comply with federal and state law and~~
40 ~~regulations.~~

1 (5) The department and the State Department of Health Care
2 Services shall work together to do all of the following:

3 (A) Maximize federal financial participation for service costs,
4 administrative costs, and targeted case management costs incurred
5 pursuant to this section.

6 (B) Determine whether medical parolees shall be exempt from
7 mandatory enrollment in managed health care, including county
8 organized health plans, and determine the proper prior authorization
9 process for individuals who have been granted medical parole.

10 (6) The department may submit retroactive Medi-Cal claims,
11 *in accordance with state and federal law and regulations* to the
12 State Department of Health Care Services for allowable certified
13 public expenditures that have been reimbursed by the department.
14 The department shall work with the Director of Health Care
15 Services to ensure that any process established regarding the
16 submission of retroactive claims shall be in compliance with state
17 and federal law and regulations.

18 (d) If an inmate is granted medical parole and found to be
19 ineligible for Medi-Cal, all of the following shall apply:

20 (1) The department shall consider the income and assets of a
21 medical parolee to determine whether the individual has the ability
22 to pay for the cost of his or her medical care.

23 (2) If the individual is unable to pay the cost of their medical
24 care, the department shall establish contracts with appropriate
25 medical providers and pay costs that are allowable pursuant to
26 Section 5023.5.

27 (3) The department shall retain the responsibility to perform
28 utilization review and cost management functions that it currently
29 performs under existing contracts with health care facilities.

30 (4) The department shall directly provide, or provide
31 reimbursement for, services associated with *conservatorship or*
32 public guardianship.

33 (e) Notwithstanding the rulemaking provisions of Chapter 3.5
34 (commencing with Section 11340) of Part 1 of Division 2 of the
35 Government Code, the department and the State Department of
36 Health Care Services may implement this section by means of
37 all-facility letters, all-county letters, or similar instructions, in
38 addition to adopting regulations, as necessary.

39 (f) *Notwithstanding any other state law, and only to the extent*
40 *that federal law allows and federal financial participation is*

1 available, for the limited purpose of implementing this section, the
2 department or its designees are authorized to act on behalf of an
3 inmate for purposes of applying for redetermination of Medi-Cal
4 eligibility and sharing and maintaining records with the State
5 Department of Health Care Services.

6 SEC. 70. Article 5 (commencing with Section 2985) is added
7 to Chapter 7 of Title 7 of Part 3 of the Penal Code, to read:

8
9 Article 5. Supportive Housing Program for Mentally Ill Parolees

10
11 2985. It is the intent of the Legislature in enacting this article
12 to provide evidence-based, comprehensive mental health and
13 supportive services, including housing subsidies, to parolees who
14 suffer from mental illness and are at risk of homelessness, in order
15 to successfully reintegrate the parolees into the community,
16 increase public safety, and reduce state costs of recidivism. It is
17 further the intent of the Legislature to supplement existing parole
18 outpatient clinic services by providing services to individuals who
19 suffer from a severe mental illness, as defined in Section 5600.3
20 of the Welfare and Institutions Code, and who require services
21 that cannot be provided by parole outpatient clinics, including
22 services provided pursuant to Section 5806 of the Welfare and
23 Institutions Code.

24 2985.1. For purposes of this article, the following definitions
25 shall apply:

26 (a) "Department" means the Department of Corrections and
27 Rehabilitation.

28 (b) "Supportive housing" has the same meaning set forth in
29 subdivision (b) of Section 50675.14 of the Health and Safety Code,
30 and that, in addition, is decent, safe, and affordable.

31 (c) "Transitional housing" has the same meaning set forth in
32 subdivision (h) of Section 50675.2 of the Health and Safety Code,
33 and that, in addition, is decent, safe, and affordable.

34 2985.2. (a) Pursuant to Section 3073, the Department of
35 Corrections and Rehabilitation shall provide a supportive housing
36 program that provides wraparound services to mentally ill parolees
37 who are at risk of homelessness using funding appropriated by
38 the Legislature for that purpose.

39 (b) Providers participating in this program shall comply with
40 all of the following:

1 (1) *Provide services and treatment based on best practices.*

2 (2) *Demonstrate that the program reduces recidivism and*
3 *homelessness among program participants.*

4 (3) *Have prior experience working with county or regional*
5 *mental health programs.*

6 (c) (1) *An inmate or parolee is eligible for participation in this*
7 *program if all of the following are applicable:*

8 (A) *He or she has a serious mental disorder as defined in Section*
9 *5600.3 of the Welfare and Institutions Code and as identified by*
10 *the department, and he or she has a history of mental health*
11 *treatment in the prison's mental health services delivery system*
12 *or in a parole outpatient clinic.*

13 (B) *The inmate or parolee voluntarily chooses to participate.*

14 (C) *Either of the following applies:*

15 (i) *He or she has been assigned a date of release within 60 to*
16 *180 days and is likely to become homeless upon release.*

17 (ii) *He or she is currently a homeless parolee.*

18 (2) *First priority for the program shall be given to the lowest*
19 *functioning offenders in prison, as identified by the department,*
20 *who are likely to become homeless upon release.*

21 (3) *For purposes of this subdivision, a person is "likely to*
22 *become homeless upon release" if he or she has a history of*
23 *"homelessness" as that term is used in Section 11302(a) of Title*
24 *42 of the United States Code and if he or she satisfies both of the*
25 *following criteria:*

26 (A) *He or she has not identified a fixed, regular, and adequate*
27 *nighttime residence for release.*

28 (B) *His or her only identified nighttime residence for release*
29 *includes a supervised publicly or privately operated shelter*
30 *designed to provide temporary living accommodations, or a public*
31 *or private place not designed for, or is not ordinarily used as, a*
32 *regular sleeping accommodation for human beings.*

33 2985.3. (a) *Each provider shall offer services, in accordance*
34 *with Section 5806 of the Welfare and Institutions Code, to obtain*
35 *and maintain health and housing stability while participants are*
36 *on parole, to enable the parolee to comply with the terms of parole,*
37 *and to augment mental health treatment provided to other parolees.*
38 *The services shall be offered to participants in their home, or be*
39 *made as easily accessible to participants as possible and shall*
40 *include, but are not limited to, all of the following:*

1 (1) *Case management services.*

2 (2) *Parole discharge planning.*

3 (3) *Housing location services, and, if needed, move-in cost*
4 *assistance.*

5 (4) *Rental subsidies.*

6 (5) *Linkage to other services, such as vocational, educational,*
7 *and employment services, as needed.*

8 (6) *Benefit entitlement application and appeal assistance.*

9 (7) *Transportation assistance to obtain services and health care*
10 *needed.*

11 (8) *Assistance obtaining appropriate identification.*

12 (b) *For participants identified prior to release from state prison,*
13 *upon the provider's receipt of referral and, in collaboration with*
14 *the parole agent and, if appropriate, staff, the intake coordinator*
15 *or case manager of the provider shall, when possible:*

16 (1) *Receive all prerelease assessments and discharge plans.*

17 (2) *Draft a plan for the participant's transition into housing*
18 *that serves the participant's needs and is affordable, such as*
19 *permanent supportive housing, or a transitional housing program*
20 *that includes support services and demonstrates a clear transition*
21 *pathway to permanent housing.*

22 (3) *Engage the participant to actively participate in services*
23 *upon release.*

24 (4) *Assist in obtaining identification for the participant, if*
25 *necessary.*

26 (5) *Assist in applying for any benefits for which the participant*
27 *is eligible.*

28 (c) (1) *To facilitate the transition of participants identified*
29 *prior to release into the community and participants identified*
30 *during parole into supportive housing, each provider shall, on an*
31 *ongoing basis, not less than quarterly, assess each participant's*
32 *needs and include in each participant's assessment a plan to foster*
33 *independence and a residence in permanent housing once parole*
34 *is complete.*

35 (2) *Upon referral to the provider, the provider shall work to*
36 *transition participants from the department's rental assistance to*
37 *other mainstream rental assistance benefits if those benefits are*
38 *necessary to enable the participant to remain in stable housing,*
39 *and shall prioritize transitioning participants to these benefits in*
40 *a manner that allows participants to remain housed, when possible,*

1 *without moving. Mainstream rental assistance benefits may include,*
2 *but are not limited to, federal Housing Choice Voucher assistance,*
3 *Department of Housing and Urban Development-Veterans Affairs*
4 *Supportive Housing vouchers, or other rental assistance programs.*

5 *(3) The participant's parole discharge plan and the assessments*
6 *shall consider the need for and prioritize linkage to county mental*
7 *health services and housing opportunities that are supported by*
8 *the Mental Health Services Act, the Mental Health Services Act*
9 *Housing Program, or other funding sources that finance permanent*
10 *supportive housing for persons with mental illness, so that the*
11 *participant may continue to achieve all recovery goals of the*
12 *program and remain permanently housed once the term of parole*
13 *ends.*

14 *2985.4. (a) Providers shall identify and locate supportive*
15 *housing and transitional housing opportunities for participants*
16 *prior to release from state prison or as quickly upon release from*
17 *state prison as possible, or as quickly as possible when participants*
18 *are identified during parole.*

19 *(b) Housing identified pursuant to subdivision (a) shall satisfy*
20 *both of the following:*

21 *(1) The housing is located in an apartment building, single-room*
22 *occupancy buildings, townhouses, or single-family homes,*
23 *including rent-subsidized apartments leased in the open market*
24 *or set aside within privately owned buildings.*

25 *(2) The housing is not subject to community care licensing*
26 *requirements or is exempt from licensing under Section 1504.5 of*
27 *the Health and Safety Code.*

28 *2985.5. (a) Each provider shall report to the department*
29 *regarding the intended outcomes of the program, including all of*
30 *the following:*

31 *(1) The number of participants served.*

32 *(2) The types of services that were provided to program*
33 *participants.*

34 *(3) The outcomes for participants, including the number who*
35 *graduated to independent living, the number who remain in or*
36 *moved to permanent housing, the number who ceased to participate*
37 *in the program, and the number who returned to state prison.*

38 *(4) The number of participants who successfully completed*
39 *parole and transitioned to county mental health programs.*

(b) *The department shall prepare an analysis of the costs of the supportive housing program in comparison to the cost savings to the state as a result of reduced recidivism rates by participants using the information provided pursuant to subdivision (a). This analysis shall exclude from consideration any federal funds provided for services while the participant is on parole in order to ensure that the analysis accurately reflects only the costs to the state for the services provided to participants.*

(c) *The department shall annually submit, on or before February 1, the information collected pursuant to subdivision (a) and the analysis prepared pursuant to subdivision (b) to the chairs of the Joint Legislative Budget Committee, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, the Senate and Assembly Committees on Public Safety, the Senate Committee on Transportation and Housing, and the Assembly Committee on Housing and Community Development.*

SEC. 71. *Section 3417 of the Penal Code is amended to read:*

3417. (a) Subject to reasonable rules and regulations adopted pursuant to Section 3414, the Department of Corrections *and Rehabilitation* shall admit to the program any applicant whose child was born prior to the receipt of the inmate by the department, whose child was born after the receipt of the inmate by the department, or who is pregnant, if all of the following requirements are met:

(1) The applicant has a probable release or parole date with a maximum time to be served of six years, calculated after deduction of any possible good time credit.

(2) The applicant was the primary caretaker of the infant prior to incarceration. "Primary caretaker" as used in this chapter means a parent who has consistently assumed responsibility for the housing, health, and safety of the child prior to incarceration. A parent who, in the best interests of the child, has arranged for temporary care for the child in the home of a relative or other responsible adult shall not for that reason be excluded from the category, "primary caretaker."

(3) The applicant had not been found to be an unfit parent in any court proceeding. An inmate applicant whose child has been declared a dependent of the juvenile court pursuant to Section 300 of the Welfare and Institutions Code shall be admitted to the program only after the court has found that participation in the

1 program is in the child's best interest and that it meets the needs
2 of the parent and child pursuant to paragraph (3) of subdivision
3 (e) of Section 361.5 of the Welfare and Institutions Code. The fact
4 that an inmate applicant's child has been found to come within
5 Section 300 of the Welfare and Institutions Code shall not, in and
6 of itself, be grounds for denying the applicant the opportunity to
7 participate in the program.

8 (b) The Department of Corrections *and Rehabilitation* shall
9 deny placement in the community treatment program if it
10 determines that an inmate would pose an unreasonable risk to the
11 public, or if any one of the following factors exist, except in
12 unusual circumstances or if mitigating circumstances exist,
13 including, but not limited to, the remoteness in time of the
14 commission of the offense:

15 (1) The inmate has been convicted of any of the following:

16 (A) A sex offense listed in Section 667.6.

17 (B) A sex offense requiring registration pursuant to Section 290.

18 (C) A violent offense listed in subdivision (c) of Section 667.5,
19 *except that the Secretary of the Department of Corrections and*
20 *Rehabilitation shall consider an inmate for placement in the*
21 *community treatment program on a case-by-case basis if the violent*
22 *offense listed in subdivision (c) of Section 667.5 was for robbery*
23 *pursuant to paragraph (9) of subdivision (c) of Section 667.5 or*
24 *burglary pursuant to paragraph (21) of subdivision (c) of Section*
25 *667.5.*

26 (D) Arson as defined in Sections 450 to 455, inclusive.

27 ~~(E) The unlawful sale or possession for sale, manufacture, or~~
28 ~~transportation of controlled substances as defined in Chapter 6~~
29 ~~(commencing with Section 11350) of Division 10 of the Health~~
30 ~~and Safety Code, if large scale for profit as defined by the~~
31 ~~department.~~

32 (2) There is probability the inmate may abscond from the
33 program as evidenced by any of the following:

34 (A) A conviction of escape, of aiding another person to escape,
35 or of an attempt to escape from a jail or prison.

36 (B) The presence of an active detainer from a law enforcement
37 agency, unless the detainer is based solely upon warrants issued
38 for failure to appear on misdemeanor Vehicle Code violations.

39 (3) It is probable the inmate's conduct in a community facility
40 will be adverse to herself or other participants in the program, as

1 determined by the ~~Director of Corrections~~ *Secretary of the*
2 *Department of Corrections and Rehabilitation* or as evidenced by
3 any of the following:

4 (A) The inmate's removal from a community program which
5 resulted from violation of state laws, rules, or regulations governing
6 ~~Department of Corrections~~ *Corrections and Rehabilitation's*
7 inmates.

8 (B) A finding of the inmate's guilt of a serious rule violation,
9 as defined by the ~~Director of Corrections~~ *Secretary of the*
10 *Department of Corrections and Rehabilitation*, which resulted in
11 a credit loss on one occasion of 91 or more days or in a credit loss
12 on more than one occasion of 31 days or more and the credit has
13 not been restored.

14 (C) A current written opinion of a staff physician or psychiatrist
15 that the inmate's medical or psychiatric condition is likely to cause
16 an adverse effect upon the inmate or upon other persons if the
17 inmate is placed in the program.

18 (c) *The Secretary of the Department of Corrections and*
19 *Rehabilitation shall consider the placement of the following*
20 *inmates in the community treatment program on a case-by-case*
21 *basis:*

22 (1) *An inmate convicted of the unlawful sale or possession for*
23 *sale, manufacture, or transportation of controlled substances, as*
24 *defined in Chapter 6 (commencing with Section 11350) of Division*
25 *10 of the Health and Safety Code, if large scale for profit as defined*
26 *by the department, provided that an inmate convicted pursuant to*
27 *Section 11358 or 11359 of the Health and Safety Code shall be*
28 *admitted to the program pursuant to subdivision (a).*

29 (2) *An inmate with a United States Immigration and Customs*
30 *Enforcement hold.*

31 (d) *A charged offense that did not result in a conviction shall*
32 *not be used to exclude an applicant from the program.*

33 (e)

34 (e) Nothing in this section shall be interpreted to limit the
35 discretion of the ~~Director of Corrections~~ *Secretary of the*
36 *Department of Corrections and Rehabilitation* to deny or approve
37 placement when subdivision (b) does not apply.

38 (f)

39 (f) The Department of Corrections *and Rehabilitation* shall
40 determine if the applicant meets the requirements of this section

1 within 30 days of the parent's application to the program. The
2 department shall establish an appeal procedure for the applicant
3 to appeal an adverse decision by the department.

4 *SEC. 72. Section 4115.5 of the Penal Code is amended to read:*

5 4115.5. (a) The board of supervisors of a county where, in
6 the opinion of the sheriff or the director of the county department
7 of corrections, adequate facilities are not available for prisoners
8 who would otherwise be confined in its county adult detention
9 facilities may enter into an agreement with the board or boards of
10 supervisors of one or more nearby counties whose county adult
11 detention facilities are adequate for and are readily accessible from
12 to the first county, ~~permitting commitment of misdemeanants, and~~
13 ~~any persons required to serve a term of imprisonment in county~~
14 ~~adult detention facilities as a condition of probation, to a jail in a~~
15 ~~county having adequate facilities that is a party to the agreement~~
16 ~~with the concurrence of that county's sheriff or director of its~~
17 ~~county department of corrections. Such agreement must make~~
18 ~~provision for support of a person so committed or transferred by~~
19 ~~the county from which he is committed. When such an the~~
20 agreement is in effect, commitments may be made by the court
21 and support of any such person shall be a charge upon the county
22 from which he is committed.

23 (b) A county entering into an agreement with another county
24 pursuant to subdivision (a) shall report annually to the Board of
25 State and Community Corrections on the number of offenders who
26 otherwise would be under that county's jurisdiction but who are
27 now being housed in another county's facility pursuant to
28 subdivision (a) and the reason for needing to house the offenders
29 outside the county.

30 (c) This section shall become inoperative on July 1, 2015, and,
31 as of January 1, 2016, is repealed, unless a later enacted statute,
32 that becomes operative on or before January 1, 2016, deletes or
33 extends the dates on which it becomes inoperative and is repealed.

34 *SEC. 73. Section 4115.5 is added to the Penal Code, to read:*

35 4115.5. (a) The board of supervisors of a county where
36 adequate facilities are not available for prisoners who would
37 otherwise be confined in its county adult detention facilities may
38 enter into an agreement with the board or boards of supervisors
39 of one or more nearby counties whose county adult detention
40 facilities are adequate and are readily accessible from the first

1 county, permitting commitment of misdemeanants, and any persons
2 required to serve a term of imprisonment in county adult detention
3 facilities as a condition of probation, to a jail in a county having
4 adequate facilities that is a party to the agreement. That agreement
5 shall make provision for the support of a person so committed or
6 transferred by the county from which he or she is committed. When
7 that agreement is in effect, commitments may be made by the court
8 and support of a person so committed shall be a charge upon the
9 county from which he or she is committed.

10 (b) This section shall become operative on July 1, 2015.

11 SEC. 74. Section 5024.2 of the Penal Code is amended to read:

12 5024.2. (a) The Department of Corrections and Rehabilitation
13 is authorized to maintain and operate a comprehensive pharmacy
14 services program for those facilities under the jurisdiction of the
15 department that is both cost effective and efficient, and ~~may~~ shall
16 incorporate the following:

17 (1) A statewide pharmacy administration system with direct
18 authority and responsibility for program administration and
19 oversight.

20 (2) Medically necessary pharmacy services using professionally
21 and legally qualified pharmacists, consistent with the size and the
22 scope of medical services provided.

23 (3) Written procedures and operational practices pertaining to
24 the delivery of pharmaceutical services.

25 (4) A multidisciplinary, statewide Pharmacy and Therapeutics
26 Committee responsible for all of the following:

27 (A) Developing and managing a department formulary.

28 (B) Standardizing the strengths and dosage forms for
29 medications used in department facilities.

30 (C) Maintaining and monitoring a system for the review and
31 evaluation of corrective actions related to errors in prescribing,
32 dispensing, and administering medications.

33 (D) Conducting regular therapeutic category reviews for
34 medications listed in the department formulary.

35 (E) Evaluating medication therapies and providing input to the
36 development of disease management guidelines used in the
37 department.

38 (5) A requirement for the use of generic medications, when
39 available, unless an exception is reviewed and approved in
40 accordance with an established nonformulary approval process.

1 *The nonformulary approval process shall include a process*
2 *whereby a prescriber may indicate on the face of the prescription*
3 *“dispense as written” or other appropriate form for electronic*
4 *prescriptions.*

5 (6) Use of an enterprise-based pharmacy operating system that
6 provides management with information on prescription workloads,
7 medication utilization, prescribing data, and other key pharmacy
8 information.

9 (b) The department is authorized to operate and maintain a
10 centralized pharmacy distribution center to provide advantages of
11 scale and efficiencies related to medication purchasing, inventory
12 control, volume production, drug distribution, workforce utilization,
13 and increased patient safety. It is the intent of the Legislature that
14 the centralized pharmacy distribution center and institutional
15 pharmacies be licensed as pharmacies by the California State Board
16 of Pharmacy meeting all applicable regulations applying to a
17 pharmacy.

18 (1) To the extent it is cost effective and efficient, the centralized
19 pharmacy distribution center should include systems to do the
20 following:

21 (A) Order and package bulk pharmaceuticals and prescription
22 and stock orders for all department correctional facilities.

23 (B) Label medications as required to meet state and federal
24 prescription requirements.

25 (C) Provide barcode validation matching the drug to the specific
26 prescription or floor stock order.

27 (D) Sort completed orders for shipping and delivery to
28 department facilities.

29 (2) Notwithstanding any other requirements, the department
30 centralized pharmacy distribution center is authorized to do the
31 following:

32 (A) Package bulk pharmaceuticals into both floor stock and
33 patient-specific packs.

34 (B) Reclaim, for reissue, unused and unexpired medications.

35 (C) Distribute the packaged products to department facilities
36 for use within the state corrections system.

37 (3) The centralized pharmacy distribution center should maintain
38 a system of quality control checks on each process used to package,
39 label, and distribute medications. The quality control system may

1 include a regular process of random checks by a licensed
2 pharmacist.

3 (c) The department may investigate and initiate potential
4 systematic improvements in order to provide for the safe and
5 efficient distribution and control of, and accountability for, drugs
6 within the department's statewide pharmacy administration system,
7 taking into account factors unique to the correctional environment.

8 (d) The department should ensure that there is a program
9 providing for the regular inspection of all department pharmacies
10 in the state to verify compliance with applicable law, rules,
11 regulations, and other standards as may be appropriate to ensure
12 the health, safety, and welfare of the department's inmate patients.

13 (e) On March 1, 2012, and each March 1 thereafter, the
14 department shall report all of the following to the Joint Legislative
15 Budget Committee, the Senate Committee on Appropriations, the
16 Senate Committee on Budget and Fiscal Review, the Senate
17 Committee on Health, the Senate Committee on Public Safety, the
18 Assembly Committee on Appropriations, the Assembly Committee
19 on Budget, the Assembly Committee on Health, and the Assembly
20 Committee on Public Safety:

21 (1) The extent to which the Pharmacy and Therapeutics
22 Committee has been established and achieved the objectives set
23 forth in this section, as well as the most significant reasons for
24 achieving or not achieving those objectives.

25 (2) The extent to which the department is achieving the objective
26 of operating a fully functioning and centralized pharmacy
27 distribution center, as set forth in this section, that distributes
28 pharmaceuticals to every adult prison under the jurisdiction of the
29 department, as well as the most significant reasons for achieving
30 or not achieving that objective.

31 (3) The extent to which the centralized pharmacy distribution
32 center is achieving cost savings through improved efficiency and
33 distribution of unit dose medications.

34 (4) A description of planned or implemented initiatives to
35 accomplish the next 12 months' objectives for achieving the goals
36 set forth in this section, including a fully functioning and
37 centralized pharmacy distribution center that distributes
38 pharmaceuticals to every adult facility under the jurisdiction of
39 the department.

1 (5) The costs for prescription pharmaceuticals for the previous
2 fiscal year, both statewide and at each adult prison under the
3 jurisdiction of the department, and a comparison of these costs
4 with those of the prior fiscal year.

5 (f) The requirement for submitting a report imposed under
6 subdivision (e) is inoperative on March 1, 2016, pursuant to Section
7 10231.5 of the Government Code.

8 *SEC. 75. Section 5031 is added to the Penal Code, to read:*

9 *5031. (a) The department shall submit an estimate of*
10 *expenditures for each state or contracted facility housing offenders*
11 *and for the cost of supervising offenders on parole, by region, for*
12 *inclusion in the annual Governor's Budget and the May Revision*
13 *thereto. The department shall submit its preliminary estimates for*
14 *the current and next fiscal years to the Department of Finance by*
15 *October 1 of each year and revised estimates by April 1 of the*
16 *following year. The Department of Finance shall approve, modify,*
17 *or deny the assumptions underlying all estimates and the*
18 *population estimates released for the annual Governor's Budget*
19 *and the May Revision. The April 1 submission shall only be a*
20 *revision of the October 1 estimates and may not include any new*
21 *assumptions or estimates from those submitted in the October 1*
22 *estimate.*

23 *(b) The population estimate for each state or contracted adult*
24 *or juvenile facility shall contain, at least, the following:*

25 *(1) The capacity, as measured by the number of beds,*
26 *categorized by cells, dorms, and intended security level.*

27 *(2) The projected number of offenders, by security level.*

28 *(3) The actual number of offenders, by security level.*

29 *(4) The number of offenders in a security level that differ from*
30 *the classification score.*

31 *(5) The number of offenders, by program, that could benefit*
32 *from rehabilitative programming, as identified by an assessment*
33 *of risk and criminogenic needs.*

34 *(6) The actual number of offenders, by program, that receive*
35 *rehabilitative programming based on an assessment of risk and*
36 *criminogenic needs.*

37 *(7) A comparison of the number of authorized positions, filled*
38 *positions, and vacant positions, by classification.*

1 (8) *The budget authority, as displayed in the annual budget act*
2 *by program, compared to fiscal year-to-date expenditures and*
3 *projected expenditures for the fiscal year.*

4 (c) *The population estimate for the Division of Adult Parole*
5 *Operations shall contain at least the following:*

6 (1) *The projected number of offenders in each subpopulation,*
7 *by region, and the total number of offenders.*

8 (2) *The actual number of offenders in each subpopulation, by*
9 *region, and the total number of offenders.*

10 (3) *The number of offenders, by region, that could benefit from*
11 *rehabilitative programming, as identified by an assessment of risk*
12 *and criminogenic needs.*

13 (4) *The actual number of offenders, by region, that receive*
14 *rehabilitative programming based on an assessment of risk and*
15 *criminogenic needs.*

16 (5) *The number of ratio-driven positions budgeted in each*
17 *region.*

18 (6) *The number of nonratio positions budgeted in each region,*
19 *by function.*

20 (7) *A comparison of the number of authorized positions, filled*
21 *positions, and vacant positions, by region and function.*

22 (8) *The budget authority, as displayed in the annual budget act*
23 *by program, compared to fiscal year-to-date expenditures and*
24 *projected expenditures for the fiscal year.*

25 (d) *The estimates shall include fiscal charts that track*
26 *appropriations from the Budget Act to the current Governor's*
27 *Budget and the May Revision for all fund sources for the current*
28 *year and budget year.*

29 (e) *In the event that the methodological steps employed to arrive*
30 *at previous estimates differ from those proposed, the department*
31 *shall submit a descriptive narrative of the revised methodology.*
32 *This information shall be provided to the Department of Finance,*
33 *the Joint Legislative Budget Committee, and the public safety*
34 *policy committees and fiscal committees of the Legislature.*

35 (f) *On or after January 10, if the Department of Finance*
36 *discovers a material error in the information provided pursuant*
37 *to this section, the Department of Finance shall inform the*
38 *consultants to the fiscal committees of the Legislature of the error*
39 *in a timely manner.*

1 (g) *The departmental estimates, assumptions, and other*
2 *supporting data prepared for purposes of this section shall be*
3 *forwarded annually to the Joint Legislative Budget Committee and*
4 *the public safety policy committees and fiscal committees of the*
5 *Legislature.*

6 SEC. 76. *Section 5032 is added to the Penal Code, to read:*

7 5032. *The department, as directed by the Department of*
8 *Finance, shall work with the appropriate budget and policy*
9 *committees of the Legislature and the Legislative Analyst's Office*
10 *to establish appropriate oversight, evaluation, and accountability*
11 *measures that shall be adopted as part of their "future of*
12 *corrections plan." This shall include a periodic review, conducted*
13 *by the Department of Finance's Office of State Audits and*
14 *Evaluations, that assesses the fiscal bench marks of the plan. The*
15 *Office of State Audits and Evaluations shall report to the Governor*
16 *and the Legislature on its findings and recommendations annually*
17 *with the first report submitted by April 1, 2013. Reports to the*
18 *Legislature shall be submitted in compliance with Section 9795*
19 *of the Government Code.*

20 SEC. 77. *Section 5072 of the Penal Code is amended to read:*

21 5072. (a) *Notwithstanding any other provision of law, the*
22 *Department of Corrections and Rehabilitation and the State*
23 *Department of Health Care Services may develop a process to*
24 *maximize federal financial participation for the provision of acute*
25 *inpatient hospital services rendered to individuals who, but for*
26 *their institutional status as inmates, are otherwise eligible for*
27 *Medi-Cal pursuant to Chapter 7 (commencing with Section 14000)*
28 *of Part 3 of Division 9 of the Welfare and Institutions Code or*
29 *Low Income Health Program (LIHP) pursuant to Part 3.6*
30 *(commencing with Section 15909) of Division 9 of the Welfare*
31 *and Institutions Code.*

32 (b) *Federal reimbursement for acute inpatient hospital services*
33 *for inmates enrolled in Medi-Cal shall occur through the State*
34 *Department of Health Care Services and federal reimbursement*
35 *for acute inpatient hospital services for inmates not enrolled in*
36 *Medi-Cal but who are eligible for a LIHP shall occur through a*
37 *county LIHP.*

38 (c) (1) *The Secretary of the Department of Corrections and*
39 *Rehabilitation, in conjunction with the State Department of Health*
40 *Care Services, shall develop a process to claim federal financial*

1 participation and to reimburse the Department of Corrections and
2 Rehabilitation for the federal share of the allowable Medicaid cost
3 provision of acute inpatient hospital services rendered to inmates
4 according to this section and for any administrative costs incurred
5 in support of those services.

6 (2) Public or community hospitals shall invoice the Department
7 of Corrections and Rehabilitation to obtain reimbursement for
8 acute inpatient hospital services in accordance with contracted
9 rates of reimbursement, or if no contract is in place, the rates
10 pursuant to Section 5023.5. The Department of Corrections and
11 Rehabilitation shall reimburse a public or community hospital for
12 the delivery of acute inpatient hospital services rendered to an
13 inmate pursuant to this section. For individuals eligible for
14 Medi-Cal pursuant to this section, the Department of Corrections
15 and Rehabilitation shall submit a ~~monthly~~ *quarterly* invoice to the
16 State Department of Health Care Services for claiming federal
17 participation at the Medi-Cal rate for acute inpatient hospital
18 services. For enrollees in the LIHP, the Department of Corrections
19 and Rehabilitation shall submit a ~~monthly~~ *quarterly* invoice to the
20 county of last legal residence pursuant to Section 14053.7 of the
21 Welfare and Institutions Code. The county shall submit the invoice
22 to the State Department of Health Care Services for claiming
23 federal financial participation for acute inpatient hospital services
24 for individuals made eligible pursuant to this section, pursuant to
25 Section 14053.7 of the Welfare and Institutions Code, and pursuant
26 to the process developed in subdivision (b). The State Department
27 of Health Care Services shall claim federal participation for eligible
28 services for LIHP enrolled inmates at the rate paid by the
29 Department of Corrections and Rehabilitation. The State
30 Department of Health Care Services and counties shall remit funds
31 received for federal participation to the Department of Corrections
32 and Rehabilitation for allowable costs incurred as a result of
33 delivering acute inpatient hospital services allowable under this
34 section.

35 (3) The county LIHPs shall not experience any additional net
36 expenditures of county funds due to the provision of services under
37 this section.

38 (4) The Department of Corrections and Rehabilitation shall
39 reimburse the State Department of Health Care Services and

1 counties for administrative costs that are not reimbursed by the
2 federal government.

3 (5) The Department of Corrections and Rehabilitation shall
4 reimburse the State Department of Health Care Services for any
5 disallowance that is required to be returned to the Centers for
6 Medicare and Medicaid Services for any litigation costs incurred
7 due to the implementation of this section.

8 (d) (1) The state shall indemnify and hold harmless participating
9 entities that operate a LIHP, including all counties, and all counties
10 that operate in a consortium that participates as a LIHP, against
11 any and all losses, including, but not limited to, claims, demands,
12 liabilities, court costs, judgments, or obligations, due to the
13 implementation of this section as directed by the secretary and the
14 State Department of Health Care Services.

15 (2) The State Department of Health Care Services may at its
16 discretion require a county, as a condition of participation as a
17 LIHP, to enroll an eligible inmate into its LIHP if the county is
18 the inmate's county of last legal residence.

19 (3) The county LIHPs shall be held harmless by the state for
20 any disallowance or deferral if federal action is taken due to the
21 implementation of this section in accord with the state's policies,
22 directions, and requirements.

23 (e) (1) The Department of Corrections and Rehabilitation, in
24 conjunction with the State Department of Health Care Services,
25 shall develop a process to facilitate eligibility determinations for
26 individuals who may be eligible for Medi-Cal or a LIHP pursuant
27 to this section and Section 14053.7 of the Welfare and Institutions
28 Code.

29 (2) The Department of Corrections and Rehabilitation shall
30 assist inmates in completing either the Medi-Cal or LIHP
31 application as appropriate and shall forward that application to the
32 State Department of Health Care Services for processing.

33 (3) Notwithstanding any other state law, and only to the extent
34 that federal law allows and federal financial participation is
35 available, for the limited purpose of implementing this section,
36 the department or its designee is authorized to act on behalf of an
37 inmate for purposes of applying for or determinations of Medi-Cal
38 or LIHP eligibility.

39 (f) (1) Nothing in this section shall be interpreted to restrict or
40 limit the eligibility or alter county responsibility for payment of

1 any service delivered to a parolee who has been released from
2 detention or incarceration and now resides in a county that
3 participates in the LIHP. If otherwise eligible for the county's
4 LIHP, the LIHP shall enroll the parolee.

5 (2) Notwithstanding paragraph (1), at the option of the state,
6 for enrolled parolees who have been released from detention or
7 incarceration and now reside in a county that participates in a
8 LIHP, the LIHP shall reimburse providers for the delivery of
9 services which are otherwise the responsibility of the state to
10 provide. Payment for these medical services, including both the
11 state and federal shares of reimbursement, shall be included as
12 part of the reimbursement process described in paragraph (1) of
13 subdivision (c).

14 (3) Enrollment of individuals in a LIHP under this subdivision
15 shall be subject to any enrollment limitations described in
16 subdivision (g) of Section 15910 of the Welfare and Institutions
17 Code.

18 (g) The department shall be responsible to the LIHP for the
19 nonfederal share of any reimbursement made for the provision of
20 acute inpatient hospital services rendered to inmates pursuant to
21 this section ~~who are eligible for and enrolled in that LIHP.~~

22 (h) Reimbursement pursuant to this section shall be limited to
23 those acute inpatient hospital services for which federal financial
24 participation pursuant to Title XIX of the *federal* Social Security
25 Act is allowed.

26 (i) This section shall have no force or effect if there is a final
27 judicial determination made by any state or federal court that is
28 not appealed, or by a court of appellate jurisdiction that is not
29 further appealed, in any action by any party, or a final
30 determination by the administrator of the federal Centers for
31 Medicare and Medicaid Services, that limits or affects the
32 department's authority to select the hospitals used to provide
33 inpatient hospital services to inmates.

34 (j) It is the intent of the Legislature that the implementation of
35 this section will result in state General Fund savings for the funding
36 of acute inpatient hospital services provided to inmates along with
37 any related administrative costs.

38 (k) Any agreements entered into under this section for Medi-Cal
39 or a LIHP to provide for reimbursement of acute inpatient hospital
40 services and administrative expenditures as described in

subdivision (c) shall not be subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

(l) This section shall be implemented in a manner that is consistent with federal Medicaid law and regulations. The Director of the State Department of Health Care Services shall seek any federal approvals necessary for the implementation of this section. This section shall be implemented only when and to the extent that any necessary federal approval is obtained, and only to the extent that existing levels of federal financial participation are not otherwise jeopardized.

(m) To the extent that the Director of the State Department of Health Care Services determines that existing levels of federal financial participation are jeopardized, this section shall no longer be implemented.

(n) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may, without taking any further regulatory action, implement this section by means of all-county letters, provider bulletins, facility letters, or similar instructions.

(o) For purposes of this section, the following terms have the following meanings:

(1) The term “county of last legal residence” means the county in which the inmate resided at the time of arrest that resulted in conviction and incarceration in a state prison facility.

(2) The term “inmate” means an adult who is involuntarily residing in a state prison facility operated, administered, or regulated, directly or indirectly, by the department.

(3) During the existence of the receivership established in United States District Court for the Northern District of California, Case No. CO1-1351 THE, Plata v. Schwarzenegger, references in this section to the “secretary” shall mean the receiver appointed in that action, who shall implement portions of this section that would otherwise be within the secretary’s responsibility.

SEC. 78. Section 5075.1 of the Penal Code is amended to read:

5075.1. The Board of Parole Hearings shall do all of the following:

(a) Conduct parole consideration hearings, parole rescission hearings, and parole progress hearings for adults and juveniles under the jurisdiction of the department.

1 (b) Conduct mentally disordered offender hearings.

2 (c) Conduct sexually violent predator hearings.

3 (d) Review inmates' requests for reconsideration of denial of
4 good-time credit and setting of parole length or conditions, pursuant
5 to Section 5077.

6 (e) Determine revocation of parole for adult offenders under
7 the jurisdiction of the Division of Adult Parole Operations, pursuant
8 to Section 5077.

9 (f) Carry out the functions described in Section 1719 of the
10 Welfare and Institutions Code, and make every order granting and
11 revoking parole and issuing final discharges to any person under
12 the jurisdiction of the Department of Corrections and
13 Rehabilitation.

14 (g) Conduct studies pursuant to Section 3150 of the Welfare
15 and Institutions Code.

16 (h) Investigate and report on all applications for reprieves,
17 pardons, and commutation of sentence, as provided in Title 6
18 (commencing with Section 4800) of Part 3.

19 (i) Exercise other powers and duties as prescribed by law.

20 (j) Effective January 1, 2007, all commissioners appointed and
21 trained to hear juvenile parole matters, together with their duties
22 prescribed by law as functions of the Board of Parole Hearings
23 concerning wards under the jurisdiction of the Department of
24 Corrections and Rehabilitation, are transferred to the ~~Chief Deputy~~
25 ~~Secretary for Juvenile Justice~~ *Director of the Division of Juvenile*
26 *Justice*. All applicable regulations in effect at the time of transfer
27 shall be deemed to apply to those commissioners until new
28 regulations are adopted.

29 *SEC. 79. Section 6024 of the Penal Code, as added by Section*
30 *31 of Chapter 36 of the Statutes of 2011, is amended to read:*

31 6024. (a) Commencing July 1, 2012, there is hereby established
32 the Board of State and Community Corrections. The Board of State
33 and Community Corrections shall be an entity independent of the
34 Department of Corrections and Rehabilitation. *The Governor may*
35 *appoint an executive officer of the board, subject to Senate*
36 *confirmation, who shall hold the office at the pleasure of the*
37 *Governor. The executive officer shall be the administrative head*
38 *of the board and shall exercise all duties and functions necessary*
39 *to ensure that the responsibilities of the board are successfully*
40 *discharged.* As of July 1, 2012, any references to the Board of

1 Corrections or the Corrections Standards Authority shall refer to
2 the Board of State and Community Corrections. As of that date,
3 the Corrections Standards Authority is abolished.

4 (b) The mission of the board shall include providing statewide
5 leadership, coordination, and technical assistance to promote
6 effective state and local efforts and partnerships in California's
7 adult and juvenile criminal justice system, including addressing
8 gang problems. This mission shall reflect the principle of aligning
9 fiscal policy and correctional practices, including, but not limited
10 to prevention, intervention, suppression, supervision, and
11 incapacitation, to promote a justice investment strategy that fits
12 each county and is consistent with the integrated statewide goal
13 of improved public safety through cost-effective, promising, and
14 evidence-based strategies for managing criminal justice
15 populations.

16 (c) ~~(1)~~—The board shall regularly seek advice from a balanced
17 range of stakeholders and subject matter experts on issues
18 pertaining to adult corrections, juvenile justice, and gang problems
19 relevant to its mission. Toward this end, the board shall seek to
20 ensure that its efforts (1) are systematically informed by experts
21 and stakeholders with the most specific knowledge concerning the
22 subject matter, (2) include the participation of those who must
23 implement a board decision and are impacted by a board decision,
24 and (3) promote collaboration and innovative problem solving
25 consistent with the mission of the board. The board may create
26 special committees, with the authority to establish working
27 subgroups as necessary, in furtherance of this subdivision to carry
28 out specified tasks and to submit its findings and recommendations
29 from that effort to the board.

30 (d) The board shall act as the supervisory board of the state
31 planning agency pursuant to federal acts. It shall annually review
32 and approve, or review, revise, and approve, the comprehensive
33 state plan for the improvement of criminal justice and delinquency
34 and gang prevention activities throughout the state, shall establish
35 priorities for the use of funds as are available pursuant to federal
36 acts, and shall approve the expenditure of all funds pursuant to
37 such plans or federal acts, provided that the approval of those
38 expenditures may be granted to single projects or to groups of
39 projects.

(e) It is the intent of the Legislature that any statutory authority conferred on the Corrections Standards Authority or the previously abolished Board of Corrections shall apply to the Board of State and Community Corrections on and after July 1, 2012, unless expressly repealed by the act which added this section. The Board of State and Community Corrections is the successor to the Corrections Standards Authority, and as of July 1, 2012, is vested with all of the authority's rights, powers, authority, and duties, unless specifically repealed by this act.

(f) For purposes of this chapter, "federal acts" means *Subchapter V of Chapter 46 of the federal Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 82 Stat. 197; 42 U.S.C. Sec. 3750 et seq.)*, the federal *Juvenile Justice and Delinquency Prevention and Control Act of 1968 1974 (42 U.S.C. Sec. 5601 et seq.)*, and any act or acts amendatory or supplemental thereto.

SEC. 80. *Section 6027 of the Penal Code, as amended by Section 33 of Chapter 36 of the Statutes of 2011, is amended to read:*

6027. (a) It shall be the duty of the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to both adult corrections, juvenile justice, and gang problems. The board shall seek to collect and make publicly available up-to-date data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices enacted in the state, as well as information and data concerning promising and evidence-based practices from other jurisdictions.

(b) Consistent with subdivision (c) of Section 6024, the board shall also:

(1) Develop recommendations for the improvement of criminal justice and delinquency and gang prevention activity throughout the state.

(2) Identify, promote, and provide technical assistance relating to evidence-based programs, practices, and innovative projects consistent with the mission of the board.

1 (3) Receive and disburse federal funds, and perform all
2 necessary and appropriate services in the performance of its duties
3 as established by federal acts.

4 (4) Develop comprehensive, unified, and orderly procedures to
5 ensure that applications for grants are processed fairly, efficiently,
6 and in a manner consistent with the mission of the board.

7 (5) Cooperate with and render technical assistance to the
8 Legislature, state agencies, units of general local government,
9 combinations of those units, or other public or private agencies,
10 organizations, or institutions in matters relating to criminal justice
11 and delinquency prevention.

12 (6) Conduct evaluation studies of the programs and activities
13 assisted by the federal acts.

14 (7) Identify and evaluate state, local, and federal gang and youth
15 violence suppression, intervention, and prevention programs and
16 strategies, along with funding for those efforts. The board shall
17 assess and make recommendations for the coordination of the
18 state's programs, strategies, and funding that address gang and
19 youth violence in a manner that maximizes the effectiveness and
20 coordination of those programs, strategies, and resources. The
21 board shall communicate with local agencies and programs in an
22 effort to promote the best practices for addressing gang and youth
23 violence through suppression, intervention, and prevention.

24 (8) The board shall collect from each county the plan submitted
25 pursuant to Section 1230.1 within two months of adoption by the
26 county boards of supervisors. Commencing January 1, 2013, and
27 annually thereafter, the board shall collect and analyze available
28 data regarding the implementation of the local plans and other
29 outcome-based measures, as defined by the board in consultation
30 with the Administrative Office of the Courts, the Chief Probation
31 Officers of California, and the California State Sheriffs Association.
32 By July 1, 2013, and annually thereafter, the board shall provide
33 to the Governor and the Legislature a report on the implementation
34 of the plans described above.

35 (9) *Commencing on and after July 1, 2012, the board, in*
36 *consultation with the Administrative Office of the Courts, the*
37 *California State Association of Counties, the California State*
38 *Sheriffs Association, and the Chief Probation Officers of*
39 *California, shall support the development and implementation of*
40 *first phase baseline and ongoing data collection instruments to*

1 *reflect the local impact of Chapter 15 of the Statutes of 2011,*
 2 *specifically related to dispositions for felony offenders and*
 3 *post-release community supervision. The board shall make any*
 4 *data collected pursuant to this paragraph available on the board's*
 5 *Internet Web site. It is the intent of the Legislature that the board*
 6 *promote collaboration and the reduction of duplication of data*
 7 *collection and reporting efforts where possible.*

8 (c) The board may do either of the following:

9 (1) Collect, evaluate, publish, and disseminate statistics and
 10 other information on the condition and progress of criminal justice
 11 in the state.

12 (2) Perform other functions and duties as required by federal
 13 acts, rules, regulations, or guidelines in acting as the administrative
 14 office of the state planning agency for distribution of federal grants.

15 *SEC. 81. Section 6030 of the Penal Code, as amended by*
 16 *Section 34 of Chapter 36 of the Statutes of 2011, is amended to*
 17 *read:*

18 6030. (a) The Board of State and Community Corrections shall
 19 establish minimum standards for local correctional facilities. ~~The~~
 20 ~~standards for state correctional facilities shall be established by~~
 21 ~~January 1, 2007.~~ The board shall review those standards biennially
 22 and make any appropriate revisions.

23 (b) The standards shall include, but not be limited to, the
 24 following: health and sanitary conditions, fire and life safety,
 25 security, rehabilitation programs, recreation, treatment of persons
 26 confined in ~~state and~~ local correctional facilities, and personnel
 27 training.

28 (c) The standards shall require that at least one person on duty
 29 at the facility is knowledgeable in the area of fire and life safety
 30 procedures.

31 (d) The standards shall also include requirements relating to the
 32 acquisition, storage, labeling, packaging, and dispensing of drugs.

33 (e) The standards shall require that inmates who are received
 34 by the facility while they are pregnant are provided all of the
 35 following:

36 (1) A balanced, nutritious diet approved by a doctor.

37 (2) Prenatal and postpartum information and health care,
 38 including, but not limited to, access to necessary vitamins as
 39 recommended by a doctor.

1 (3) Information pertaining to childbirth education and infant
2 care.

3 (4) A dental cleaning while in a state facility.

4 (f) The standards shall provide that at no time shall a woman
5 who is in labor be shackled by the wrists, ankles, or both including
6 during transport to a hospital, during delivery, and while in
7 recovery after giving birth, except as provided in Section 5007.7.

8 (g) In establishing minimum standards, the authority shall seek
9 the advice of the following:

10 (1) For health and sanitary conditions:

11 The State Department of Health Services, physicians,
12 psychiatrists, local public health officials, and other interested
13 persons.

14 (2) For fire and life safety:

15 The State Fire Marshal, local fire officials, and other interested
16 persons.

17 (3) For security, rehabilitation programs, recreation, and
18 treatment of persons confined in correctional facilities:

19 The Department of Corrections and Rehabilitation, state and
20 local juvenile justice commissions, state and local correctional
21 officials, experts in criminology and penology, and other interested
22 persons.

23 (4) For personnel training:

24 The Commission on Peace Officer Standards and Training,
25 psychiatrists, experts in criminology and penology, the Department
26 of Corrections and Rehabilitation, state and local correctional
27 officials, and other interested persons.

28 (5) For female inmates and pregnant inmates in local adult and
29 juvenile facilities:

30 The California State Sheriffs' Association and Chief Probation
31 Officers' Association of California, and other interested persons.

32 *SEC. 82. Section 6126 of the Penal Code is amended to read:*

33 6126. (a) The Inspector General shall be responsible for
34 contemporaneous oversight of internal affairs investigations and
35 the disciplinary process of the Department of Corrections and
36 Rehabilitation, pursuant to Section 6133 under policies to be
37 developed by the Inspector General.

38 (b) When requested by the Governor, the Senate Committee on
39 Rules, or the Speaker of the Assembly, the Inspector General shall
40 review policies, practices, and procedures of the department. The

1 Inspector General, under policies developed by the Inspector
2 General, may recommend that the Governor, the Senate Committee
3 on Rules, or the Speaker of the Assembly request a review of a
4 specific departmental policy, practice, or procedure which raises
5 a significant correctional issue relevant to the effectiveness of the
6 department. When exigent circumstances of unsafe or life
7 threatening situations arise involving inmates, wards, parolees, or
8 staff, the Inspector General may, by whatever means is most
9 expeditious, notify the Governor, Senate Committee on Rules, or
10 the Speaker of the Assembly.

11 (c) Upon completion of a review, the Inspector General shall
12 provide a response to the requester.

13 (d) The Inspector General shall, during the course of a review,
14 identify areas of full and partial compliance, or noncompliance,
15 with departmental policies and procedures, specify deficiencies in
16 the completion and documentation of processes, and recommend
17 corrective actions, including, but not limited to, additional training,
18 additional policies, or changes in policy, as well as any other
19 findings or recommendations that the Inspector General deems
20 appropriate.

21 (e) The Inspector General, pursuant to Section 6126.6, shall
22 review the Governor's candidates for appointment to serve as
23 warden for the state's adult correctional institutions and as
24 superintendents for the state's juvenile facilities.

25 (f) The Inspector General shall conduct an objective, clinically
26 appropriate, and metric-oriented medical inspection program to
27 periodically review delivery of medical care at each state prison.

28 (g) *The Inspector General shall conduct an objective,*
29 *metric-oriented oversight and inspection program to periodically*
30 *review delivery of the reforms identified in the document released*
31 *by the Department of Corrections and Rehabilitation in April 2012,*
32 *entitled The Future of California Corrections: A Blueprint to Save*
33 *Billions of Dollars, End Federal Court Oversight, and Improve*
34 *the Prison System (the blueprint), including, but not limited to, the*
35 *following specific goals and reforms described by the blueprint:*

36 (1) *Whether the department has increased the percentage of*
37 *inmates served in rehabilitative programs to 70 percent of the*
38 *department's target population prior to their release.*

39 (2) *The establishment of an adherence to the standardized*
40 *staffing model at each institution.*

1 (3) *The establishment of an adherence to the new inmate*
2 *classification score system.*

3 (4) *The establishment of and adherence to the new prison gang*
4 *management system, including changes to the department's current*
5 *policies for identifying prison-based gang members and associates*
6 *and the use and conditions associated with the department's*
7 *secured housing units.*

8 (5) *The implementation of and adherence to the Comprehensive*
9 *Housing Plan described in the blueprint.*

10 ~~(g)~~

11 (h) The Inspector General shall, in consultation with the
12 Department of Finance, develop a methodology for producing a
13 workload budget to be used for annually adjusting the budget of
14 the Office of the Inspector General, beginning with the budget for
15 the 2005–06 fiscal year.

16 SEC. 83. *Section 13155 is added to the Penal Code, to read:*

17 13155. *Commencing January 1, 2013, the Administrative Office*
18 *of the Courts shall collect from trial courts information regarding*
19 *the implementation of the 2011 Realignment Legislation. That*
20 *information shall include statistics for each county regarding the*
21 *dispositions of felonies at sentencing and petitions to revoke*
22 *probation, postrelease community supervision, mandatory*
23 *supervision, and, commencing July 1, 2013, parole. The data shall*
24 *be provided not less frequently than twice a year by the trial courts*
25 *to the Administrative Office of the Courts. Funds provided to the*
26 *trial courts for the implementation of criminal justice realignment*
27 *may be used for the purpose of collecting the information and*
28 *providing it to the Administrative Office of the Courts. The*
29 *Administrative Office of the Courts shall make this data available*
30 *to the Department of Finance, the Board of State and Community*
31 *Corrections, and the Joint Legislative Budget Committee on or*
32 *before September 1, 2013 and annually thereafter. It is the intent*
33 *of the Legislature that the Administrative Office of the Courts*
34 *promote collaboration and the reduction of duplication of data*
35 *collection and reporting efforts where possible.*

36 SEC. 84. *Section 13800 of the Penal Code, as added by Section*
37 *24 of Chapter 136 of the Statutes of 2011, is amended to read:*

38 13800. *Unless otherwise required by context, as used in this*
39 *title, on and after July 1, 2012:*

1 (a) “Agency” means the ~~Board of State and Community~~
2 ~~Corrections~~ California Emergency Management Agency.

3 (b) “Board” means the Board of State and Community
4 Corrections.

5 (c) “Federal acts” means *Subchapter V of Chapter 46 of the*
6 *federal Omnibus Crime Control and Safe Streets Act of 1968 (42*
7 *U.S.C. Sec. 3750 et seq.), the federal Juvenile Justice and*
8 *Delinquency Prevention and Control Act of 1968 (42 U.S.C.*
9 *Sec. 5601 et seq.), and any act or acts amendatory or supplemental*
10 *thereto.*

11 (d) “Local boards” means local criminal justice planning boards.

12 (e) “Executive director” means the Executive Director of the
13 Board of State and Community Corrections.

14 (f) This section shall become operative on July 1, 2012.

15 SEC. 85. *Section 13827 is added to Chapter 3.6 (commencing*
16 *with Section 13827) is added to Title 6 of Part 4 of the Penal Code,*
17 *to read:*

18 13827. (a) *The Office of Gang and Youth Violence Policy is*
19 *hereby abolished. The duties and obligations of that office, and*
20 *all powers and authority formerly exercised by that office, shall*
21 *be transferred to and assumed by the Board of State and*
22 *Community Corrections.*

23 (b) *Except for this section, the phrase “Office of Gang and*
24 *Youth Violence Policy” or any reference to that phrase in this*
25 *code shall be construed to mean the board. Any reference to the*
26 *executive director of the Office of Gang and Youth Violence Policy*
27 *in this code shall be construed to mean the board.*

28 SEC. 86. *Section 8200 of the Probate Code is amended to read:*

29 8200. (a) Unless a petition for probate of the will is earlier
30 filed, the custodian of a will shall, within 30 days after having
31 knowledge of the death of the testator, do both of the following:

32 (1) Deliver the will to the clerk of the superior court of the
33 county in which the estate of the decedent may be administered.
34 ~~No fee shall be charged for compliance with the requirement of~~
35 ~~this paragraph.~~

36 (2) Mail a copy of the will to the person named in the will as
37 executor, if the person’s whereabouts is known to the custodian,
38 or if not, to a person named in the will as a beneficiary, if the
39 person’s whereabouts is known to the custodian.

1 (b) A custodian of a will who fails to comply with the
2 requirements of this section is liable for all damages sustained by
3 any person injured by the failure.

4 (c) The clerk shall release a copy of a will delivered under this
5 section for attachment to a petition for probate of the will or
6 otherwise on receipt of payment of the required fee and either a
7 court order for production of the will or a certified copy of a death
8 certificate of the decedent.

9 *(d) The fee for delivering a will to the clerk of the superior court*
10 *pursuant to paragraph (1) of subdivision (a) shall be as provided*
11 *in Section 70626 of the Government Code. If an estate is*
12 *commenced for the dependent named in the will, the fee for any*
13 *will delivered pursuant to paragraph (1) of subdivision (a) shall*
14 *be reimbursable from the estate as an expense of administration.*

15 *SEC. 87. Section 607 of the Welfare and Institutions Code is*
16 *amended to read:*

17 607. (a) The court may retain jurisdiction over any person who
18 is found to be a ward or dependent child of the juvenile court until
19 the ward or dependent child attains ~~the age of~~ 21 years of age,
20 except as provided in subdivisions (b), (c), and (d).

21 (b) The court may retain jurisdiction over any person who is
22 found to be a person described in Section 602 by reason of the
23 commission of any of the offenses listed in subdivision (b); *or*
24 *paragraph (2) of subdivision (d), or subdivision (e) of Section 707,*
25 *or subdivision (c) of Section 290.008 of the Penal Code,* until that
26 person attains ~~the age of~~ 25 years of age if the person was
27 committed to the Department of Corrections and Rehabilitation,
28 Division of Juvenile Facilities.

29 (c) The court shall not discharge any person from its jurisdiction
30 who has been committed to the Department of Corrections and
31 Rehabilitation, Division of Juvenile Facilities so long as the person
32 remains under the jurisdiction of the Department of Corrections
33 and Rehabilitation, Division of Juvenile Facilities, including
34 periods of extended control ordered pursuant to Section 1800.

35 (d) The court may retain jurisdiction over any person described
36 in Section 602 by reason of the commission of any of the offenses
37 listed in subdivision (b); *or paragraph (2) of subdivision (d), or*
38 ~~subdivision (e) of Section 707, or subdivision (c) of Section~~
39 ~~290.008 of the Penal Code,~~ who has been confined in a state
40 hospital or other appropriate public or private mental health facility

pursuant to Section 702.3 until that person ~~has attained the age of~~
~~attains~~ 25 years of age, unless the court ~~which that~~ committed the
 person finds, after notice and hearing, that the person's sanity has
 been restored.

(e) The court may retain jurisdiction over any person while that
 person is the subject of a warrant for arrest issued pursuant to
 Section 663.

(f) *Notwithstanding subdivisions (b) and (d), on and after July
 1, 2012, every person committed by the juvenile court to the
 Department of Corrections and Rehabilitation, Division of Juvenile
 Facilities, who is found to be a person described in Section 602
 by reason of the violation of any of the offenses listed in subdivision
 (b) or paragraph (2) of subdivision (d) of Section 707, or
 subdivision (c) of Section 290.008 of the Penal Code, shall be
 discharged upon the expiration of a two-year period of control,
 or when the person attains 23 years of age, whichever occurs later,
 unless an order for further detention has been made by the
 committing court pursuant to Article 6 (commencing with Section
 1800) of Chapter 1 of Division 2.5. This section shall not apply to
 persons committed to the Department of Corrections and
 Rehabilitation, Division of Juvenile Facilities, or persons confined
 in a state hospital or other appropriate public or private mental
 health facility, by a court prior to July 1, 2012, pursuant to
 subdivisions (b) and (d).*

SEC. 88. Section 736 of the Welfare and Institutions Code is
 amended to read:

736. (a) Except as provided in Section 733, the Department
 of Corrections and Rehabilitation, Division of Juvenile Facilities,
 shall accept a ward committed to it pursuant to this article if the
~~Chief Deputy Secretary for the Division of Juvenile Justice~~
Director of the Division of Juvenile Justice believes that the ward
 can be materially ~~benefitted~~ *benefited* by the division's reformatory
 and educational discipline, and if the division has adequate
 facilities, staff, and programs to provide that care. A ward subject
 to this section shall not be transported to any facility under the
 jurisdiction of the division until the superintendent of the facility
 has notified the committing court of the place to which that ward
 is to be transported and the time at which he or she can be received.

(b) To determine who is best served by the Division of Juvenile
 Facilities, and who would be better served by the State Department

1 of Mental Health, the ~~Chief Deputy Secretary for the Division of~~
2 ~~Juvenile Justice~~ *Director of the Division of Juvenile Justice* and
3 the Director of the State Department of Mental Health shall, at
4 least annually, confer and establish policy with respect to the types
5 of cases that should be the responsibility of each department.

6 *SEC. 89. Section 912 of the Welfare and Institutions Code, as*
7 *added by Section 77 of Chapter 36 of the Statutes of 2011, is*
8 *amended to read:*

9 912. (a) Commencing on and after January 1, 2012, counties
10 from which persons are committed to the Department of
11 Corrections and Rehabilitation, Division of Juvenile Facilities,
12 shall pay to the state an annual rate of one hundred twenty-five
13 thousand dollars (\$125,000) for the time those persons remain in
14 any institution under the direct supervision of the division, or in
15 any institution, boarding home, foster home, or other private or
16 public institution in which they are placed by the division, on
17 parole or otherwise, and cared for and supported at the expense of
18 the division, as provided in this ~~section~~ *subdivision*. This ~~section~~
19 *subdivision* applies to any person committed to the division by a
20 court, including persons committed to the division prior to January
21 1, 2012, who, on or after January 1, 2012, remain in or return to
22 the facilities described in this section.

23 The Department of Corrections and Rehabilitation, Division of
24 Juvenile Facilities, shall present to the county, not more frequently
25 than monthly, a claim for the amount due the state under this
26 ~~section~~ *subdivision*, which the county shall process and pay
27 pursuant to Chapter 4 (commencing with Section 29700) of
28 Division 3 of Title 3 of the Government Code.

29 (b) *Commencing on and after January 1, 2012, the Department*
30 *of Corrections and Rehabilitation, Division of Juvenile Facilities,*
31 *shall not collect from, nor shall a county owe, any fees pursuant*
32 *to subdivision (a).*

33 (c) *Commencing on and after July 1, 2012, counties from which*
34 *persons are committed to the Department of Corrections and*
35 *Rehabilitation, Division of Juvenile Facilities, shall pay to the*
36 *state an annual rate of twenty-four thousand dollars (\$24,000) for*
37 *the time those persons remain in any institution under the direct*
38 *supervision of the division, or in any institution, boarding home,*
39 *foster home, or other private or public institution in which they*
40 *are placed by the division, and cared for and supported at the*

1 *expense of the division, as provided in this subdivision. This*
2 *subdivision applies to any person committed to the division by a*
3 *juvenile court on or after July 1, 2012.*

4 *The Department of Corrections and Rehabilitation, Division of*
5 *Juvenile Facilities, shall present to the county, not more frequently*
6 *than monthly, a claim for the amount due to the state under this*
7 *subdivision, which the county shall process and pay pursuant to*
8 *Chapter 4 (commencing with Section 29700) of Division 3 of Title*
9 *3 of the Government Code.*

10 *(d) Consistent with Article 1 (commencing with Section 6024)*
11 *of Chapter 5 of Title 7 of Part 3 of the Penal Code, the Board of*
12 *State and Community Corrections shall collect and maintain*
13 *available information and data about the movement of juvenile*
14 *offenders committed by a juvenile court and placed in any*
15 *institution, boarding home, foster home, or other private or public*
16 *institution in which they are cared for, supervised, or both, by the*
17 *division or the county while they are on parole, probation, or*
18 *otherwise.*

19 *SEC. 90. Section 1016 of the Welfare and Institutions Code is*
20 *amended to read:*

21 1016. (a) Whenever a person confined in a state institution
22 subject to the jurisdiction of the Department of Corrections and
23 Rehabilitation, Division of Juvenile Facilities, escapes, or is
24 discharged or paroled from the institution, and any personal funds
25 or property of that person remains in the hands of the ~~Chief Deputy~~
26 ~~Secretary for Juvenile Justice~~ *Director of the Division of Juvenile*
27 *Justice* in the Department of Corrections and Rehabilitation, and
28 no demand is made upon the ~~chief deputy secretary~~ *director* by
29 the owner of the funds or property or his or her legally appointed
30 representative, all money and other intangible personal property
31 of that person, other than deeds, contracts, or assignments,
32 remaining in the custody or possession of the ~~chief deputy secretary~~
33 *director* shall be held by him or her for a period of three years
34 from the date of that escape, discharge, or parole, for the benefit
35 of the person or his or her successors in interest. However,
36 unclaimed personal funds or property of paroled minors may be
37 exempted from the provisions of this section during the period of
38 their minority and for a period of one year thereafter, at the
39 discretion of the ~~chief deputy secretary~~ *director*.

(b) Upon the expiration of this three-year period, any money and other intangible personal property, other than deeds, contracts or assignments, remaining unclaimed in the custody or possession of the ~~chief deputy secretary~~ *director* shall be subject to the provisions of Chapter 7 (*commencing with Section 1500*) of Title 10 of Part 3 of the Code of Civil Procedure.

(c) Upon the expiration of one year from the date of the escape, discharge, or parole:

(1) All deeds, contracts, or assignments shall be filed by the ~~chief deputy secretary~~ *director* with the public administrator of the county of commitment of that person.

(2) All tangible personal property other than money, remaining unclaimed in his or her custody or possession, shall be sold by the ~~chief deputy secretary~~ *director* at public auction, or upon a sealed-bid basis, and the proceeds of the sale shall be held by him or her subject to the provisions of Section 1752.8 of this code, and subject to the provisions of Chapter 7 (*commencing with Section 1500*) of Title 10 of Part 3 of the Code of Civil Procedure. If he or she deems it expedient to do so, the ~~chief deputy secretary~~ *director* may accumulate the property of several inmates and may sell the property in lots as he or she may determine, provided that he or she makes a determination as to each inmate's share of the proceeds.

(d) If any tangible personal property covered by this section is not salable at public auction or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the ~~chief deputy secretary~~ *director* to be offered for sale at public auction or upon a sealed-bid basis at a later date, the ~~chief deputy secretary~~ *director* may order it destroyed.

SEC. 91. Section 1703 of the Welfare and Institutions Code is amended to read:

1703. Commencing July 1, 2005, as used in this chapter the following terms have the following meanings:

(a) "Public offenses" means public offenses as that term is defined in the Penal Code.

(b) "Court" includes any official authorized to impose sentence for a public offense.

(c) "Youth Authority," "Authority," "authority," or "division" means the Department of Corrections and Rehabilitation, Division of Juvenile Facilities.

1 (d) “Board” or “board” means the Board of Parole Hearings,
2 until January 1, 2007, at which time “board” shall refer to the body
3 created to hear juvenile parole matters under the jurisdiction of
4 the ~~Chief Deputy Secretary for Juvenile Justice~~ *Director of the*
5 *Division of Juvenile Justice* in the Department of Corrections and
6 Rehabilitation.

7 (e) The masculine pronoun includes the feminine.

8 *SEC. 92. Section 1711 of the Welfare and Institutions Code is*
9 *amended to read:*

10 1711. Commencing July 1, 2005, any reference to the Director
11 of the Youth Authority shall be to the ~~Chief Deputy Secretary for~~
12 ~~Juvenile Justice~~ *Director of the Division of Juvenile Justice* in the
13 Department of Corrections and Rehabilitation, unless otherwise
14 expressly provided.

15 *SEC. 93. Section 1713 of the Welfare and Institutions Code is*
16 *amended to read:*

17 1713. (a) The ~~Chief Deputy Secretary for Juvenile Justice~~
18 *Director of the Division of Juvenile Justice* in the Department of
19 Corrections and Rehabilitation shall have wide and successful
20 administrative experience in youth or adult correctional programs
21 embodying rehabilitative or delinquency prevention concepts.

22 (b) The Governor may request the State Personnel Board to use
23 extensive recruitment and merit selection techniques and
24 procedures to provide a list of persons qualified for appointment
25 as that subordinate officer. The Governor may appoint any person
26 from such list of qualified persons or may reject all names and
27 appoint another person who meets the requirements of this section.

28 *SEC. 94. Section 1719 of the Welfare and Institutions Code,*
29 *as amended by Section 12 of Chapter 729 of the Statutes of 2010,*
30 *is amended to read:*

31 1719. (a) This section applies only to a ward who is released
32 to parole supervision prior to the 90th day after the enactment of
33 the act adding this subdivision.

34 (b) Commencing July 1, 2005, the following powers and duties
35 shall be exercised and performed by the Juvenile Parole Board:
36 discharges of commitment, orders to parole and conditions thereof,
37 revocation or suspension of parole, and disciplinary appeals.

38 (c) Any ward may appeal an adjustment to his or her parole
39 consideration date to a panel comprised of at least two
40 commissioners.

(d) The following powers and duties shall be exercised and performed by the Division of Juvenile Facilities: return of persons to the court of commitment for redispotion by the court, determination of offense category, setting of parole consideration dates, conducting annual reviews, treatment program orders, institution placements, furlough placements, return of nonresident persons to the jurisdiction of the state of legal residence, disciplinary decisionmaking, and referrals pursuant to Section 1800.

(e) The department shall promulgate policies and regulations implementing a departmentwide system of graduated sanctions for addressing ward disciplinary matters. The disciplinary decisionmaking system shall be employed as the disciplinary system in facilities under the jurisdiction of the Division of Juvenile Facilities, and shall provide a framework for handling disciplinary matters in a manner that is consistent, timely, proportionate, and ensures the due process rights of wards. The department shall develop and implement a system of graduated sanctions that distinguishes between minor, intermediate, and serious misconduct. The department may *not* extend a ward's discharge consideration date, subject to appeal pursuant to subdivision (c), from one to not more than 12 months, inclusive, for a sustained serious misconduct violation if all other sanctioning options have been considered and determined to be unsuitable in light of the ward's previous case history and the circumstances of the misconduct. In any case in which a discharge consideration date has been extended, the disposition report shall clearly state the reasons for the extension. The length of any discharge consideration date extension shall be based on the seriousness of the misconduct, the ward's prior disciplinary history, the ward's progress toward treatment objectives, the ward's earned program credits, and any extenuating or mitigating circumstances. The department shall promulgate regulations to implement a table of sanctions to be used in determining discharge consideration date extensions. The department also may promulgate regulations to establish a process for granting wards who have successfully responded to disciplinary sanctions a reduction of up to 50 percent of any time acquired for disciplinary matters.

(f) ~~This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute,~~

1 ~~that becomes operative on or before January 1, 2015, deletes or~~
2 ~~extends the dates on which it becomes inoperative and is repealed.~~

3 *(f) This section shall remain in effect only until January 1, 2013,*
4 *and as of that date is repealed, unless a later enacted statute, that*
5 *is enacted before January 1, 2013, deletes or extends that date.*

6 SEC. 95. *Section 1719 of the Welfare and Institutions Code,*
7 *as added by Section 13 of Chapter 729 of the Statutes of 2010, is*
8 *amended to read:*

9 1719. (a) The following powers and duties shall be exercised
10 and performed by the Juvenile Parole Board: discharges of
11 commitment, orders for discharge from the jurisdiction of the
12 Division of Juvenile Facilities to the jurisdiction of the committing
13 court, and disciplinary appeals.

14 (b) Any ward may appeal a decision by the Juvenile Parole
15 Board to deny discharge to a panel comprised of at least two
16 commissioners.

17 (c) The following powers and duties shall be exercised and
18 performed by the Division of Juvenile Facilities: return of persons
19 to the court of commitment for redispotion by the court or a
20 reentry disposition, determination of offense category, setting of
21 discharge consideration dates, conducting annual reviews, treatment
22 program orders, institution placements, furlough placements, return
23 of nonresident persons to the jurisdiction of the state of legal
24 residence, disciplinary decisionmaking, and referrals pursuant to
25 Section 1800.

26 (d) The department shall promulgate policies and regulations
27 implementing a departmentwide system of graduated sanctions
28 for addressing ward disciplinary matters. The disciplinary
29 decisionmaking system shall be employed as the disciplinary
30 system in facilities under the jurisdiction of the Division of Juvenile
31 Facilities, and shall provide a framework for handling disciplinary
32 matters in a manner that is consistent, timely, proportionate, and
33 ensures the due process rights of wards. The department shall
34 develop and implement a system of graduated sanctions that
35 distinguishes between minor, intermediate, and serious misconduct.
36 The department may *not* extend a ward's discharge consideration
37 date, ~~subject to appeal pursuant to subdivision (b), from one to not~~
38 ~~more than 12 months, inclusive, for a sustained serious misconduct~~
39 ~~violation if all other sanctioning options have been considered and~~
40 ~~determined to be unsuitable in light of the ward's previous case~~

1 history and the circumstances of the misconduct. In any case in
2 which a discharge consideration date has been extended, the
3 disposition report shall clearly state the reasons for the extension.
4 The length of any discharge consideration date extension shall be
5 based on the seriousness of the misconduct, the ward's prior
6 disciplinary history, the ward's progress toward treatment
7 objectives, the ward's earned program credits, and any extenuating
8 or mitigating circumstances. The department shall promulgate
9 regulations to implement a table of sanctions to be used in
10 determining discharge consideration date extensions. The
11 department also may promulgate regulations to establish a process
12 for granting wards who have successfully responded to disciplinary
13 sanctions a reduction of up to 50 percent of any time acquired for
14 disciplinary matters.

15 (e) This section shall become operative on ~~July 1, 2014~~ January
16 1, 2013.

17 SEC. 96. Section 1719.5 of the Welfare and Institutions Code
18 is amended to read:

19 1719.5. (a) This section shall become operative on the 90th
20 day after the enactment of the act adding this section.

21 (b) The following powers and duties shall be exercised and
22 performed by the Juvenile Parole Board: discharges of
23 commitment, orders for discharge from the jurisdiction of the
24 Division of Juvenile Facilities to the jurisdiction of the committing
25 court, revocation or suspension of parole, and disciplinary appeals.

26 (c) Any ward may appeal a decision by the Juvenile Parole
27 Board to deny discharge to a panel comprised of at least two
28 commissioners.

29 (d) The following powers and duties shall be exercised and
30 performed by the Division of Juvenile Facilities: return of persons
31 to the court of commitment for redispotion by the court or a
32 reentry disposition, determination of offense category, setting of
33 discharge consideration dates, conducting annual reviews, treatment
34 program orders, institution placements, furlough placements, return
35 of nonresident persons to the jurisdiction of the state of legal
36 residence, disciplinary decisionmaking, and referrals pursuant to
37 Section 1800.

38 (e) The department shall promulgate policies and regulations
39 implementing a departmentwide system of graduated sanctions
40 for addressing ward disciplinary matters. The disciplinary

1 decisionmaking system shall be employed as the disciplinary
 2 system in facilities under the jurisdiction of the Division of Juvenile
 3 Facilities, and shall provide a framework for handling disciplinary
 4 matters in a manner that is consistent, timely, proportionate, and
 5 ensures the due process rights of wards. The department shall
 6 develop and implement a system of graduated sanctions that
 7 distinguishes between minor, intermediate, and serious misconduct.
 8 The department may extend a ward's discharge consideration date,
 9 subject to appeal pursuant to subdivision (c), from one to not more
 10 than 12 months, inclusive, for a sustained serious misconduct
 11 violation if all other sanctioning options have been considered and
 12 determined to be unsuitable in light of the ward's previous case
 13 history and the circumstances of the misconduct. In any case in
 14 which a discharge consideration date has been extended, the
 15 disposition report shall clearly state the reasons for the extension.
 16 The length of any discharge consideration date extension shall be
 17 based on the seriousness of the misconduct, the ward's prior
 18 disciplinary history, the ward's progress toward treatment
 19 objectives, the ward's earned program credits, and any extenuating
 20 or mitigating circumstances. The department shall promulgate
 21 regulations to implement a table of sanctions to be used in
 22 determining discharge consideration date extensions. The
 23 department also may promulgate regulations to establish a process
 24 for granting wards who have successfully responded to disciplinary
 25 sanctions a reduction of up to 50 percent of any time acquired for
 26 disciplinary matters.

27 (f) This section applies only to a ward who is discharged from
 28 state jurisdiction to the jurisdiction of the committing court on or
 29 after the operative date of this section.

30 ~~(g) This section shall become inoperative on July 1, 2014, and,~~
 31 ~~as of January 1, 2015, is repealed, unless a later enacted statute,~~
 32 ~~that becomes operative on or before January 1, 2015, deletes or~~
 33 ~~extends the dates on which it becomes inoperative and is repealed.~~

34 (g) *This section shall remain in effect only until January 1, 2013,*
 35 *and as of that date is repealed, unless a later enacted statute, that*
 36 *is enacted before January 1, 2013, deletes or extends that date.*

37 SEC. 97. *Section 1725 of the Welfare and Institutions Code is*
 38 *amended to read:*

39 1725. (a) Commencing July 1, 2005, the Board of Parole
 40 Hearings shall succeed, and shall exercise and perform all powers

1 and duties previously granted to, exercised by, and imposed upon
2 the Youthful Offender Parole Board and Youth Authority Board,
3 as authorized by this article. The Youthful Offender Parole Board
4 and Youth Authority Board are abolished.

5 (b) Commencing January 1, 2007, all commissioners appointed
6 and trained to hear juvenile parole matters, together with their
7 duties prescribed by law as functions of the Board of Parole
8 Hearings concerning wards under the jurisdiction of the Department
9 of Corrections and Rehabilitation, are transferred to the ~~Chief~~
10 ~~Deputy Secretary for Juvenile Justice~~ *Director of the Division of*
11 *Juvenile Justice*.

12 SEC. 98. Section 1731.5 of the Welfare and Institutions Code
13 is amended to read:

14 1731.5. (a) After certification to the Governor as provided in
15 this article, a court may commit to the Division of Juvenile
16 Facilities any person who meets all of the following:

17 (1) Is convicted of an offense described in subdivision (b) of
18 Section 707 or subdivision (c) of Section 290.008 of the Penal
19 Code.

20 (2) Is found to be less than 21 years of age at the time of
21 apprehension.

22 (3) Is not sentenced to death, imprisonment for life, with or
23 without the possibility of parole, whether or not pursuant to Section
24 190 of the Penal Code, imprisonment for 90 days or less, or the
25 payment of a fine, or after having been directed to pay a fine,
26 defaults in the payment thereof, and is subject to imprisonment
27 for more than 90 days under the judgment.

28 (4) Is not granted probation, or was granted probation and that
29 probation is revoked and terminated.

30 (b) The Division of Juvenile Facilities shall accept a person
31 committed to it pursuant to this article if it believes that the person
32 can be materially benefitted by its reformatory and educational
33 discipline, and if it has adequate facilities to provide that care.

34 (c) Any person under 18 years of age who is not committed to
35 the division pursuant to this section may be transferred to the
36 authority by the Secretary of the Department of Corrections and
37 Rehabilitation with the approval of the ~~Chief Deputy Secretary for~~
38 ~~the Division of Juvenile Justice~~ *Director of the Division of Juvenile*
39 *Justice*. In sentencing a person under 18 years of age, the court
40 may order that the person shall be transferred to the custody of the

1 Division of Juvenile Facilities pursuant to this subdivision. If the
2 court makes this order and the division fails to accept custody of
3 the person, the person shall be returned to court for resentencing.
4 The transfer shall be solely for the purposes of housing the inmate,
5 allowing participation in the programs available at the institution
6 by the inmate, and allowing division parole supervision of the
7 inmate, who, in all other aspects shall be deemed to be committed
8 to the Department of Corrections and Rehabilitation and shall
9 remain subject to the jurisdiction of the Secretary of the Department
10 of Corrections and Rehabilitation and the Board of Parole Hearings.
11 Notwithstanding subdivision (b) of Section 2900 of the Penal Code,
12 the secretary, with the concurrence of the ~~chief deputy secretary~~
13 *director*, may designate a facility under the jurisdiction of the ~~chief~~
14 ~~deputy secretary~~ *director* as a place of reception for any person
15 described in this subdivision.

16 The ~~chief deputy secretary~~ *director* shall have the same powers
17 with respect to an inmate transferred pursuant to this subdivision
18 as if the inmate had been committed or transferred to the Division
19 of Juvenile Facilities either under the Arnold-Kennick Juvenile
20 Court Law or subdivision (a).

21 The duration of the transfer shall extend until any of the
22 following occurs:

23 (1) The ~~chief deputy secretary~~ *director* orders the inmate
24 returned to the Department of Corrections and Rehabilitation.

25 (2) The inmate is ordered discharged by the Board of Parole
26 Hearings.

27 (3) The inmate reaches 18 years of age. However, if the inmate's
28 period of incarceration would be completed on or before the
29 inmate's 21st birthday, the ~~chief deputy secretary~~ *director* may
30 continue to house the inmate until the period of incarceration is
31 completed.

32 *SEC. 99. Section 1752.16 of the Welfare and Institutions Code,*
33 *as added by Section 3 of Chapter 7 of the Statutes of 2012, is*
34 *amended to read:*

35 1752.16. (a) The chief of the Division of Juvenile Facilities,
36 with approval of the Director of Finance, may enter into contracts
37 with any county of this state for the Division of Juvenile Facilities
38 to furnish housing to a ward who was in the custody of the Division
39 of Juvenile Facilities on December 12, 2011, and whose
40 commitment was recalled based on both of the following:

(1) The ward was committed to the Division of Juvenile Facilities for the commission of an offense described in subdivision (c) of Section 290.008 of the Penal Code.

(2) The ward has not been adjudged a ward of the court pursuant to Section 602 for commission of an offense described in subdivision (b) of Section 707.

(b) It is the intent of the Legislature in enacting this act to address the California Supreme Court's ruling in *In re C.H.* (2011) 53 Cal.4th 94.

(c) *Notwithstanding Sections 11010 and 11270 of the Government Code, any county entering into a contract pursuant to this section shall not be required to reimburse the state.*

SEC. 100. Section 1752.81 of the Welfare and Institutions Code is amended to read:

1752.81. (a) Whenever the ~~Chief Deputy Secretary for Juvenile Justice~~ *Director of the Division of Juvenile Justice* has in his or her possession in trust funds of a ward committed to the division, the funds may be released for any purpose when authorized by the ward. When the sum held in trust for any ward by the ~~Chief Deputy Secretary for Juvenile Justice~~ *director* exceeds five hundred dollars (\$500), the amount in excess of five hundred dollars (\$500) may be expended by the ~~chief deputy secretary~~ *director* pursuant to a lawful order of a court directing payment of the funds, without the authorization of the ward thereto.

(b) Whenever an adult or minor is committed to or housed in a Division of Juvenile Facilities facility and he or she owes a restitution fine imposed pursuant to Section 13967 of the Government Code, as operative on or before September 28, 1994, or Section 1202.4 or 1203.04 of the Penal Code, as operative on or before August 2, 1995, or pursuant to Section 729.6, 730.6 or 731.1, as operative on or before August 2, 1995, the ~~Chief Deputy Secretary for Juvenile Justice~~ *director* shall deduct the balance owing on the fine amount from the trust account deposits of a ward, up to a maximum of 50 percent of the total amount held in trust, unless prohibited by federal law. The ~~chief deputy secretary~~ *director* shall transfer that amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury. Any amount so deducted shall be credited against the amount owing on the fine. The sentencing court shall be provided a record of the payments.

(c) Whenever an adult or minor is committed to, or housed in, a Division of Juvenile Facilities facility and he or she owes restitution to a victim imposed pursuant to Section 13967 of the Government Code, as operative on or before September 28, 1994, or Section 1202.4 or 1203.04 of the Penal Code, as operative on or before August 2, 1995, or pursuant to Section 729.6, 730.6, or 731.1, as operative on or before August 2, 1995, the ~~Chief Deputy Secretary for Juvenile Justice~~ *director* shall deduct the balance owing on the order amount from the trust account deposits of a ward, up to a maximum of 50 percent of the total amount held in trust, unless prohibited by federal law. The ~~chief deputy secretary~~ *director* shall transfer that amount directly to the victim. If the restitution is owed to a person who has filed an application with the Victims of Crime Program, the ~~chief deputy secretary~~ *director* shall transfer that amount to the California Victim Compensation and Government Claims Board for direct payment to the victim or payment shall be made to the Restitution Fund to the extent that the victim has received assistance pursuant to that program. The sentencing court shall be provided a record of the payments made to victims and of the payments deposited to the Restitution Fund pursuant to this subdivision.

(d) Any compensatory or punitive damages awarded by trial or settlement to a minor or adult committed to the Division of Juvenile Facilities in connection with a civil action brought against any federal, state, or local jail or correctional facility, or any official or agent thereof, shall be paid directly, after payment of reasonable attorney's fees and litigation costs approved by the court, to satisfy any outstanding restitution orders or restitution fines against the minor or adult. The balance of any award shall be forwarded to the minor or adult committed to the Division of Juvenile Facilities after full payment of all outstanding restitution orders and restitution fines subject to subdivision (e). The Division of Juvenile Facilities shall make all reasonable efforts to notify the victims of the crime for which the minor or adult was committed concerning the pending payment of any compensatory or punitive damages. This subdivision shall apply to cases settled or awarded on or after April 26, 1996, pursuant to Sections 807 and 808 of Title VIII of the federal Prison Litigation Reform Act of 1995 (P.L. 104-134; 18 U.S.C. Sec. 3626 (Historical and Statutory Notes)).

(e) ~~The chief deputy secretary~~ *director* shall deduct and retain from the trust account deposits of a ward, unless prohibited by federal law, an administrative fee that totals 10 percent of any amount transferred pursuant to subdivision (b) and (c), or 5 percent of any amount transferred pursuant to subdivision (d). ~~The chief deputy secretary~~ *director* shall deposit the administrative fee moneys in a special deposit account for reimbursing administrative and support costs of the restitution and victims program of the Division of Juvenile Facilities. ~~The chief deputy secretary~~ *director*, at his or her discretion, may retain any excess funds in the special deposit account for future reimbursement of the division's administrative and support costs for the restitution and victims program or may transfer all or part of the excess funds for deposit in the Restitution Fund.

(f) When a ward has both a restitution fine and a restitution order from the sentencing court, the Division of Juvenile Facilities shall collect the restitution order first pursuant to subdivision (c).

(g) Notwithstanding subdivisions (a), (b), and (c), whenever the ~~Chief Deputy Secretary for Juvenile Justice~~ *director* holds in trust a ward's funds in excess of five dollars (\$5) and the ward cannot be located, after one year from the date of discharge, absconding from the Division of Juvenile Facilities supervision, or escape, the Division of Juvenile Facilities shall apply the trust account balance to any unsatisfied victim restitution order or fine owed by that ward. If the victim restitution order or fine has been satisfied, the remainder of the ward's trust account balance, if any, shall be transferred to the Benefit Fund to be expended pursuant to Section 1752.5. If the victim to whom a particular ward owes restitution cannot be located, the moneys shall be transferred to the Benefit Fund to be expended pursuant to Section 1752.5.

SEC. 101. Section 1764.2 of the Welfare and Institutions Code is amended to read:

1764.2. (a) Notwithstanding any other provision of law, the ~~chief deputy secretary~~ *Director of the Division of Juvenile Justice* or the ~~chief deputy secretary's~~ *director's* designee shall release the information described in Section 1764 regarding a person committed to the Division of Juvenile Facilities, to the victim of the offense, the next of kin of the victim, or his or her representative as designated by the victim or next of kin pursuant to Section 1767, upon request, unless the court has ordered

confidentiality under subdivision (c) of Section 676. The victim or the next of kin shall be identified by the court or the probation department in the offender's commitment documents before the ~~chief deputy secretary~~ *director* is required to disclose this information.

(b) ~~The chief deputy secretary~~ *Director of the Division of Juvenile Justice* or the ~~chief deputy secretary's~~ *director's* designee shall, with respect to persons committed to the Division of Juvenile Facilities, including persons committed to the Department of Corrections and Rehabilitation who have been transferred to the Division of Juvenile Facilities, inform each victim of that offense, the victim's next of kin, or his or her representative as designated by the victim or next of kin pursuant to Section 1767, of his or her right to request and receive information pursuant to subdivision (a) and Section 1767.

SEC. 102. Section 1766 of the Welfare and Institutions Code, as amended by Section 15 of Chapter 729 of the Statutes of 2010, is amended to read:

1766. (a) This section applies only to a ward who is released to parole supervision prior to the operative date of the act adding this subdivision.

(b) Subject to Sections 733 and 1767.35, and subdivision (c) of this section, if a person has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, the Juvenile Parole Board, according to standardized review and appeal procedures established by the board in policy and regulation and subject to the powers and duties enumerated in subdivision (b) of Section 1719, may do any of the following:

(1) Permit the ward his or her liberty under supervision and upon conditions it believes are best designed for the protection of the public.

(2) Order his or her confinement under conditions it believes best designed for the protection of the public pursuant to the purposes set forth in Section 1700, except that a person committed to the division pursuant to ~~Sections~~ *Section* 731 or 1731.5 may not be held in physical confinement for a total period of time in excess of the maximum periods of time set forth in Section 731. Nothing in this subdivision limits the power of the board to retain the minor or the young adult on parole status for the period permitted by Sections 1769, 1770, and 1771.

1 (3) Order reconfinement or renewed release under supervision
2 as often as conditions indicate to be desirable.

3 (4) Revoke or modify any parole or disciplinary appeal order.

4 (5) Modify an order of discharge if conditions indicate that the
5 modification is desirable and when that modification is to the
6 benefit of the person committed to the division.

7 (6) Discharge him or her from its control when it is satisfied
8 that discharge is consistent with the protection of the public.

9 (c) The following provisions shall apply to any ward eligible
10 for release on parole on or after September 1, 2007, who was
11 committed to the custody of the Division of Juvenile Facilities for
12 an offense other than one described in subdivision (b) of Section
13 707 or subdivision (c) of Section 290.008 of the Penal Code:

14 (1) The county of commitment shall supervise the reentry of
15 any ward released on parole on or after September 1, 2007, who
16 was committed to the custody of the division for committing an
17 offense other than those described in subdivision (b) of Section
18 707 or subdivision (c) of Section 290.008 of the Penal Code.

19 (2) Not less than 60 days prior to the scheduled parole
20 consideration hearing of a ward described in this subdivision, the
21 division shall provide to the probation department and the court
22 of the committing county, and the ward's counsel, if known, the
23 most recent written review prepared pursuant to Section 1720,
24 along with notice of the parole consideration hearing date.

25 (3) (A) Not less than 30 days prior to the scheduled parole
26 consideration hearing, the division shall notify the ward of the date
27 and location of the parole consideration hearing. A ward shall have
28 the right to contact his or her parent or guardian, if he or she can
29 reasonably be located, to inform the parent or guardian of the date
30 and location of the parole consideration hearing. The division shall
31 also allow the ward to inform other persons identified by the ward,
32 if they can reasonably be located, and who are considered by the
33 division as likely to contribute to a ward's preparation for the
34 parole consideration hearing or the ward's postrelease success.

35 (B) This paragraph shall not apply if either of the following
36 conditions is met:

37 (i) A minor chooses not to contact his or her parents, guardians,
38 or other persons and the director of the division facility determines
39 it would be in the best interest of the minor not to contact the
40 parents, guardians, or other persons.

1 (ii) A person 18 years of age or older does not consent to the
2 contact.

3 (C) Upon intake of a ward into a division facility, and again
4 upon attaining 18 years of age while in the custody of the division,
5 an appropriate staff person shall explain the provisions of
6 subparagraphs (A) and (B), using language clearly understandable
7 to the ward.

8 (D) Nothing in this paragraph shall be construed to limit the
9 right of a ward to an attorney under any other law.

10 (4) Not less than 30 days prior to the scheduled parole
11 consideration hearing of a ward described in this subdivision, the
12 probation department of the committing county may provide the
13 division with its written plan for the reentry supervision of the
14 ward. At the parole consideration hearing, the Board of Parole
15 Hearings shall, in determining whether the ward is to be released,
16 consider a reentry supervision plan submitted by the county.

17 (5) Any ward described in this subdivision who is granted parole
18 shall be placed on parole jurisdiction for up to 15 court days
19 following his or her release. The board shall notify the probation
20 department and the court of the committing county within 48 hours
21 of a decision to release a ward.

22 (6) Within 15 court days of the release by the division of a ward
23 described in this subdivision, the committing court shall convene
24 a reentry disposition hearing for the ward. The purpose of the
25 hearing shall be for the court to identify those conditions of
26 probation that are appropriate under all the circumstances of the
27 case. The court shall, to the extent it deems appropriate, incorporate
28 a reentry plan submitted by the county probation department and
29 reviewed by the board into its disposition order. At the hearing the
30 ward shall be fully informed of the terms and conditions of any
31 order entered by the court, including the consequences for any
32 violation thereof. The procedure of the reentry disposition hearing
33 shall otherwise be consistent with the rules, rights, and procedures
34 applicable to delinquency disposition hearings as described in
35 Article 17 (commencing with Section 675) of Chapter 2 of Part 1
36 of Division 2.

37 (7) The division shall have no further jurisdiction over a ward
38 described in this subdivision who is released on parole by the board
39 upon the ward's court appearance pursuant to paragraph (5).

1 (d) Within 60 days of intake, the division shall provide the court
2 and the probation department with a treatment plan for the ward.

3 (e) A ward shall be entitled to an appearance hearing before a
4 panel of board commissioners for any action that would result in
5 the extension of a parole consideration date pursuant to subdivision
6 (d) of Section 5076.1 of the Penal Code.

7 (f) The department shall promulgate policies and regulations to
8 implement this section.

9 (g) Commencing on July 1, 2004, and annually thereafter, for
10 the preceding fiscal year, the department shall collect and make
11 available to the public the following information:

12 (1) The total number of ward case reviews conducted by the
13 division and the board, categorized by guideline category.

14 (2) The number of parole consideration dates for each category
15 set at guideline, above guideline, and below guideline.

16 (3) The number of ward case reviews resulting in a change to
17 a parole consideration date, including the category assigned to the
18 ward, the amount of time added to or subtracted from the parole
19 consideration date, and the specific reason for the change.

20 (4) The percentage of wards who have had a parole consideration
21 date changed to a later date, the percentage of wards who have
22 had a parole consideration date changed to an earlier date, and the
23 average annual time added or subtracted per case.

24 (5) The number and percentage of wards who, while confined
25 or on parole, are charged with a new misdemeanor or felony
26 criminal offense.

27 (6) Any additional data or information identified by the
28 department as relevant.

29 (h) As used in subdivision (g), the term “ward case review”
30 means any review of a ward that changes, maintains, or appreciably
31 affects the programs, treatment, or placement of a ward.

32 ~~(i) This section shall become inoperative on July 1, 2014, and,~~
33 ~~as of January 1, 2015, is repealed, unless a later enacted statute,~~
34 ~~that becomes operative on or before January 1, 2015, deletes or~~
35 ~~extends the dates on which it becomes inoperative and is repealed.~~

36 *(i) This section shall remain in effect only until January 1, 2013,*
37 *and as of that date is repealed, unless a later enacted statute, that*
38 *is enacted before January 1, 2013, deletes or extends that date.*

1 *SEC. 103. Section 1766 of the Welfare and Institutions Code,*
2 *as amended by Section 80 of Chapter 36 of the Statutes of 2011,*
3 *is amended to read:*

4 1766. (a) Subject to Sections 733 and 1767.35, and subdivision
5 (b) of this section, if a person has been committed to the
6 Department of Corrections and Rehabilitation, Division of Juvenile
7 Facilities, the Juvenile Parole Board, according to standardized
8 review and appeal procedures established by the board in policy
9 and regulation and subject to the powers and duties enumerated
10 in subdivision (a) of Section 1719, may do any of the following:

11 (1) Set a date on which the ward shall be discharged from the
12 jurisdiction of the Division of Juvenile Facilities and permitted his
13 or her liberty under supervision of probation and subject to the
14 jurisdiction of the committing court pursuant to subdivision (b).

15 (2) Order his or her confinement under conditions the board
16 believes best designed for the protection of the public pursuant to
17 the purposes set forth in Section 1700, except that a person
18 committed to the division pursuant to Section 731 or 1731.5 may
19 not be held in physical confinement for a total period of time in
20 excess of the maximum periods of time set forth in Section 731.

21 (3) Discharge him or her from any formal supervision when the
22 board is satisfied that discharge is consistent with the protection
23 of the public.

24 (b) The following provisions shall apply to any ward eligible
25 for discharge from his or her commitment to the custody of the
26 Department of Corrections and Rehabilitation, Division of Juvenile
27 Facilities. Any order entered by the court pursuant to this
28 subdivision shall be consistent with evidence-based practices and
29 the interest of public safety.

30 (1) The county of commitment shall supervise the reentry of
31 any ward still subject to the court's jurisdiction and discharged
32 from the jurisdiction of the Division of Juvenile Facilities. The
33 conditions of the ward's supervision shall be established by the
34 court pursuant to the provisions of this section.

35 (2) Not less than 60 days prior to the scheduled discharge
36 consideration hearing of a ward described in this subdivision, the
37 division shall provide to the probation department and the court
38 of the committing county, and the ward's counsel, if known, the
39 most recent written review prepared pursuant to Section 1720,
40 along with notice of the discharge consideration hearing date.

1 (3) (A) Not less than 30 days prior to the scheduled discharge
2 consideration hearing, the division shall notify the ward of the date
3 and location of the discharge consideration hearing. A ward shall
4 have the right to contact his or her parent or guardian, if he or she
5 can reasonably be located, to inform the parent or guardian of the
6 date and location of the discharge consideration hearing. The
7 division shall also allow the ward to inform other persons identified
8 by the ward, if they can reasonably be located, and who are
9 considered by the division as likely to contribute to a ward's
10 preparation for the discharge consideration hearing or the ward's
11 postrelease success.

12 (B) This paragraph shall not apply if either of the following
13 conditions is met:

14 (i) A minor chooses not to contact his or her parents, guardians,
15 or other persons and the director of the division facility determines
16 it would be in the best interest of the minor not to contact the
17 parents, guardians, or other persons.

18 (ii) A person 18 years of age or older does not consent to the
19 contact.

20 (C) Upon intake of a ward committed to a division facility, and
21 again upon attaining 18 years of age while serving his or her
22 commitment in the custody of the division, an appropriate staff
23 person shall explain the provisions of subparagraphs (A) and (B),
24 using language clearly understandable to the ward.

25 (D) Nothing in this paragraph shall be construed to limit the
26 right of a ward to an attorney under any other law.

27 (4) Not less than 30 days prior to the scheduled discharge
28 consideration hearing of a ward described in this subdivision, the
29 probation department of the committing county may provide the
30 division with its written plan for the reentry supervision of the
31 ward. At the discharge consideration hearing, the Juvenile Parole
32 Board shall, in determining whether the ward is to be released,
33 consider a reentry supervision plan submitted by the county.

34 (5) If the Juvenile Parole Board determines that a ward is ready
35 for discharge to county supervision pursuant to subdivision (a),
36 the board shall set a date for discharge from the jurisdiction of the
37 Division of Juvenile Facilities no less than 14 days after the date
38 of such determination. The board shall also record any postrelease
39 recommendations for the ward. These recommendations will be
40 sent to the committing court responsible for setting the ward's

1 conditions of supervision no later than seven days from the date
2 of such determination.

3 (6) No more than four days but no less than one day prior to the
4 scheduled date of the reentry disposition hearing before the
5 committing court, the Division of Juvenile Facilities shall transport
6 and deliver the ward to the custody of the probation department
7 of the committing county. On or prior to a ward's date of discharge
8 from the Division of Juvenile Facilities, the committing court shall
9 convene a reentry disposition hearing for the ward. The purpose
10 of the hearing shall be for the court to identify those conditions of
11 supervision that are appropriate under all the circumstances of the
12 case and consistent with evidence-based practices. The court shall,
13 to the extent it deems appropriate, incorporate postrelease
14 recommendations made by the board as well as any reentry plan
15 submitted by the county probation department and reviewed by
16 the board into its disposition order. At the hearing the ward shall
17 be fully informed of the terms and conditions of any order entered
18 by the court, including the consequences for any violation thereof.
19 The procedure of the reentry disposition hearing shall otherwise
20 be consistent with the rules, rights, and procedures applicable to
21 delinquency disposition hearings as described in Article 17
22 (commencing with Section 675) of Chapter 2 of Part 1 of Division
23 2.

24 (7) The Department of Corrections and Rehabilitation shall have
25 no further jurisdiction over a ward who is discharged by the board.

26 (8) Notwithstanding any other law or any other provision of
27 this section ~~and consistent with the provisions of Section 1984,~~
28 ~~commencing July 1, 2014, January 1, 2013,~~ all wards who remain
29 on parole under the jurisdiction of the Division of Juvenile
30 Facilities shall be discharged ~~and transferred to the supervision of~~
31 ~~the committing court for the remainder of their jurisdiction, except~~
32 *for wards who are in custody pending revocation proceedings or*
33 *serving a term of revocation. A ward that is pending revocation*
34 *proceedings or serving a term of revocation shall be discharged*
35 *after serving his or her revocation term, including any revocation*
36 *extensions, or when any allegations of violating the terms and*
37 *conditions of his or her parole are not sustained.*

38 (c) Within 60 days of intake, the Division of Juvenile Facilities
39 shall provide the court and the probation department with a
40 treatment plan for the ward.

(d) Commencing ~~July 1, 2014~~, *January 1, 2013*, and annually thereafter, for the preceding fiscal year, the department shall collect and make available to the public the following information:

(1) The total number of ward case reviews conducted by the division and the board, categorized by guideline category.

(2) The number of discharge consideration dates for each category set at guideline, above guideline, and below guideline.

(3) The number of ward case reviews resulting in a change to a discharge consideration date, including the category assigned to the ward and the specific reason for the change.

(4) The percentage of wards who have had a discharge consideration date changed to a later date, the percentage of wards who have had a discharge consideration date changed to an earlier date, and the average annual time added or subtracted per case.

(5) The number and percentage of wards who, while confined or on parole, are charged with a new misdemeanor or felony criminal offense.

(6) Any additional data or information identified by the department as relevant.

(e) As used in subdivision (d), the term “ward case review” means any review of a ward that changes, maintains, or appreciably affects the programs, treatment, or placement of a ward.

(f) This section shall become operative on ~~July 1, 2014~~. *January 1, 2013*.

SEC. 104. Section 1766.01 of the Welfare and Institutions Code is amended to read:

1766.01. (a) This section shall become operative on the 90th day after the enactment of the act adding this section.

(b) Subject to Sections 733 and 1767.36, and subdivision (c) of this section, if a person has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, the Juvenile Parole Board, according to standardized review and appeal procedures established by the board in policy and regulation and subject to the powers and duties enumerated in subdivision (b) of Section 1719.5, may do any of the following:

(1) Set a date on which the ward shall be discharged from the jurisdiction of the Division of Juvenile Facilities and permitted his or her liberty under supervision of probation and subject to the jurisdiction of the committing court pursuant to subdivision (c).

1 (2) Order his or her confinement under conditions the board
2 believes best designed for the protection of the public pursuant to
3 the purposes set forth in Section 1700, except that a person
4 committed to the division pursuant to Section 731 or 1731.5 may
5 not be held in physical confinement for a total period of time in
6 excess of the maximum periods of time set forth in Section 731.

7 (3) Discharge him or her from any formal supervision when the
8 board is satisfied that discharge is consistent with the protection
9 of the public.

10 (c) The following provisions shall apply to any ward eligible
11 for discharge from his or her commitment to the custody of the
12 Department of Corrections and Rehabilitation, Division of Juvenile
13 Facilities. Any order entered by the court pursuant to this
14 subdivision shall be consistent with evidence-based practices and
15 the interest of public safety.

16 (1) The county of commitment shall supervise the reentry of
17 any ward still subject to the court's jurisdiction and discharged
18 from the jurisdiction of the Division of Juvenile Facilities. The
19 conditions of the ward's supervision shall be established by the
20 court pursuant to the provisions of this section.

21 (2) Not less than 60 days prior to the scheduled discharge
22 consideration hearing of a ward described in this subdivision, the
23 division shall provide to the probation department and the court
24 of the committing county, and the ward's counsel, if known, the
25 most recent written review prepared pursuant to Section 1720,
26 along with notice of the discharge consideration hearing date.

27 (3) (A) Not less than 30 days prior to the scheduled discharge
28 consideration hearing, the division shall notify the ward of the date
29 and location of the discharge consideration hearing. A ward shall
30 have the right to contact his or her parent or guardian, if he or she
31 can reasonably be located, to inform the parent or guardian of the
32 date and location of the discharge consideration hearing. The
33 division shall also allow the ward to inform other persons who are
34 identified by the ward, if they can reasonably be located, and who
35 are considered by the division as likely to contribute to a ward's
36 preparation for the discharge consideration hearing or the ward's
37 postrelease success.

38 (B) This paragraph shall not apply if either of the following
39 conditions is met:

1 (i) A minor chooses not to contact his or her parents, guardians,
2 or other persons and the director of the division facility determines
3 it would be in the best interest of the minor not to contact the
4 parents, guardians, or other persons.

5 (ii) A person 18 years of age or older does not consent to the
6 contact.

7 (C) Upon intake of a ward committed to a division facility, and
8 again upon attaining 18 years of age while serving his or her
9 commitment in the custody of the division, an appropriate staff
10 person shall explain the provisions of subparagraphs (A) and (B),
11 using language clearly understandable to the ward.

12 (D) Nothing in this paragraph shall be construed to limit the
13 right of a ward to an attorney under any other law.

14 (4) Not less than 30 days prior to the scheduled discharge
15 consideration hearing of a ward described in this subdivision, the
16 probation department of the committing county may provide the
17 division with its written plan for the reentry supervision of the
18 ward. At the discharge consideration hearing, the Juvenile Parole
19 Board shall, in determining whether the ward is to be released,
20 consider a reentry supervision plan submitted by the county.

21 (5) If the Juvenile Parole Board determines that a ward is ready
22 for discharge to county supervision pursuant to subdivision (b),
23 the board shall set a date for discharge from the jurisdiction of the
24 Division of Juvenile Facilities no less than 14 days after the date
25 of that determination. The board shall also record any postrelease
26 recommendations for the ward. These recommendations will be
27 sent to the committing court responsible for setting the ward's
28 conditions of supervision no later than seven days from the date
29 of that determination.

30 (6) No more than four days but no less than one day prior to the
31 scheduled date of the reentry disposition hearing before the
32 committing court, the Division of Juvenile Facilities shall transport
33 and deliver the ward to the custody of the probation department
34 of the committing county. On or prior to a ward's date of discharge
35 from the Division of Juvenile Facilities, the committing court shall
36 convene a reentry disposition hearing for the ward. The purpose
37 of the hearing shall be for the court to identify those conditions of
38 supervision that are appropriate under all the circumstances of the
39 case and consistent with evidence-based practices. The court shall,
40 to the extent it deems appropriate, incorporate postrelease

1 recommendations made by the board as well as any reentry plan
2 submitted by the county probation department and reviewed by
3 the board into its disposition order. At the hearing the ward shall
4 be fully informed of the terms and conditions of any order entered
5 by the court, including the consequences for any violation thereof.
6 The procedure of the reentry disposition hearing shall otherwise
7 be consistent with the rules, rights, and procedures applicable to
8 delinquency disposition hearings as described in Article 17
9 (commencing with Section 675) of Chapter 2 of Part 1 of Division
10 2.

11 (7) The Department of Corrections and Rehabilitation shall have
12 no further jurisdiction over a ward who is discharged by the board.

13 (d) Within 60 days of intake, the Division of Juvenile Facilities
14 shall provide the court and the probation department with a
15 treatment plan for the ward.

16 (e) Commencing July 1, 2011, and annually thereafter, for the
17 preceding fiscal year, the department shall collect and make
18 available to the public the following information:

19 (1) The total number of ward case reviews conducted by the
20 division and the board, categorized by guideline category.

21 (2) The number of discharge consideration dates for each
22 category set at guideline, above guideline, and below guideline.

23 (3) The number of ward case reviews resulting in a change to
24 a discharge consideration date, including the category assigned to
25 the ward and the specific reason for the change.

26 (4) The percentage of wards who have had a discharge
27 consideration date changed to a later date, the percentage of wards
28 who have had a discharge consideration date changed to an earlier
29 date, and the average annual time added or subtracted per case.

30 (5) The number and percentage of wards who, while confined
31 or on parole, are charged with a new misdemeanor or felony
32 criminal offense.

33 (6) Any additional data or information identified by the
34 department as relevant.

35 (f) As used in subdivision (e), the term “ward case review”
36 means any review of a ward that changes, maintains, or appreciably
37 affects the programs, treatment, or placement of a ward.

38 (g) This section applies only to a ward who is discharged from
39 state jurisdiction to the jurisdiction of the committing court on or
40 after the operative date of this section.

1 ~~(h) This section shall become inoperative on July 1, 2014, and,~~
2 ~~as of January 1, 2015, is repealed, unless a later enacted statute,~~
3 ~~that becomes operative on or before January 1, 2015, deletes or~~
4 ~~extends the dates on which it becomes inoperative and is repealed.~~

5 *(h) This section shall remain in effect only until January 1, 2013,*
6 *and as of that date is repealed, unless a later enacted statute, that*
7 *is enacted before January 1, 2013, deletes or extends that date.*

8 *SEC. 105. Section 1767.3 of the Welfare and Institutions Code*
9 *is amended to read:*

10 1767.3. (a) The Juvenile Parole Board may suspend, cancel,
11 or revoke any parole and may order returned to custody, as
12 specified in Section 1767.35, any person under the jurisdiction of
13 the Division of Juvenile Parole Operations.

14 ~~(b) The written order of the Chief Deputy Secretary for the~~
15 ~~Division of Juvenile Justice~~ *Director of the Division of Juvenile*
16 *Justice* is a sufficient warrant for any peace officer to return to
17 custody any person under the jurisdiction of the Division of
18 Juvenile Parole Operations.

19 ~~(c) The written order of the Chief Deputy Secretary for the~~
20 ~~Division of Juvenile Justice~~ *Director of the Division of Juvenile*
21 *Justice* is a sufficient warrant for any peace officer to return to
22 custody, pending further proceedings before the Juvenile Parole
23 Board, any person under the jurisdiction of the Division of Juvenile
24 Parole Operations, or for any peace officer to return to custody
25 any person who has escaped from the custody of the Division of
26 Juvenile Facilities or from any institution or facility in which he
27 or she has been placed by the division.

28 (d) All peace officers shall execute the orders in like manner as
29 a felony warrant.

30 *SEC. 106. Section 1767.35 of the Welfare and Institutions*
31 *Code, as amended by Section 18 of Chapter 729 of the Statutes of*
32 *2010, is amended to read:*

33 1767.35. (a) This section applies to a ward who is paroled
34 prior to the 90th day after the enactment of the act adding this
35 section.

36 (b) A ward who has been committed to the Division of Juvenile
37 Facilities for the commission of an offense described in subdivision
38 (b) of Section 707 or an offense described in subdivision (c) of
39 Section 290.008 of the Penal Code and who has been placed on
40 parole subject to the jurisdiction of the Division of Juvenile Parole

1 Operations shall, upon an alleged violation of his or her conditions
2 of parole, be subject to the juvenile parole revocation process and
3 the jurisdiction of the Juvenile Parole Board and shall be eligible
4 for return to the custody of the Division of Juvenile Facilities upon
5 the suspension, cancellation, or revocation of parole.

6 (c) A parolee who is under the jurisdiction of the division for
7 the commission of an offense not described in subdivision (b) of
8 Section 707 or subdivision (c) of Section 290.008 of the Penal
9 Code shall be returned to the county of commitment upon the
10 suspension, cancellation, or revocation of parole. If a ward subject
11 to this subdivision is detained by the Division of Juvenile Parole
12 Operations for the purpose of initiating proceedings to suspend,
13 cancel, or revoke the ward's parole, the division shall notify the
14 court and probation department of the committing county within
15 48 hours of the ward's detention that the ward is subject to parole
16 violation proceedings. Within 15 days of a parole violation notice
17 from the division, the committing court shall conduct a reentry
18 disposition hearing for the ward. Pending the hearing, the ward
19 may be detained by the division, provided that the division shall
20 deliver the ward to the custody of the probation department in the
21 county of commitment not more than three judicial days nor less
22 than two judicial days prior to the reentry disposition hearing. At
23 the hearing, at which the ward shall be entitled to representation
24 by counsel, the court shall consider the alleged violation of parole,
25 the risks and needs presented by the ward, and the reentry
26 disposition programs and sanctions that are available for the ward,
27 and enter a disposition order consistent with these considerations
28 and the protection of the public. The ward shall be fully informed
29 by the court of the terms, conditions, responsibilities, and sanctions
30 that are relevant to the reentry plan that is adopted by the court.
31 Upon delivery to the custody of the probation department for local
32 proceedings under this subdivision, the Division of Juvenile
33 Facilities and the Board of Parole Hearings shall have no further
34 jurisdiction or parole supervision responsibility for a ward subject
35 to this subdivision. The procedure of the reentry disposition
36 hearing, including the detention status of the ward in the event
37 continuances are ordered by the court, shall be consistent with the
38 rules, rights, and procedures applicable to delinquency disposition
39 hearings, as described in Article 17 (commencing with Section
40 675) of Chapter 2 of Part 1 of Division 2.

~~(d) This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.~~

(d) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 107. Section 1767.35 of the Welfare and Institutions Code, as added by Section 19 of Chapter 729 of the Statutes of 2010, is amended to read:

1767.35. (a) For a ward discharged from the Division of Juvenile Facilities to the jurisdiction of the committing court, that person may be detained by probation, for the purpose of initiating proceedings to modify the ward's conditions of supervision entered pursuant to paragraph (6) of subdivision (b) of Section 1766 if there is probable cause to believe that the ward has violated any of the court-ordered conditions of supervision. Within 15 days of detention, the committing court shall conduct a modification hearing for the ward. Pending the hearing, the ward may be detained by probation. At the hearing authorized by this subdivision, at which the ward shall be entitled to representation by counsel, the court shall consider the alleged violation of conditions of supervision, the risks and needs presented by the ward, and the supervision programs and sanctions that are available for the ward. Modification may include, as a sanction for a finding of a serious violation or a series of repeated violations of the conditions of supervision, an order for the reconfinement of a ward under 18 years of age in a juvenile facility, or for the reconfinement of a ward 18 years of age or older in a juvenile facility as authorized by Section 208.5, or for the reconfinement of a ward 18 years of age or older in a local adult facility as authorized by subdivision (b), or the Division of Juvenile Facilities as authorized by subdivision (c). The ward shall be fully informed by the court of the terms, conditions, responsibilities, and sanctions that are relevant to the order that is adopted by the court. The procedure of the supervision modification hearing, including the detention status of the ward in the event continuances are ordered by the court, shall be consistent with the rules, rights, and procedures applicable to delinquency disposition hearings, as described in

1 Article 17 (commencing with Section 675) of Chapter 2 of Part 1
2 of Division 2.

3 (b) Notwithstanding any other law, subject to Chapter 1.6.
4 (commencing with Section 1980), and consistent with the
5 maximum periods of time set forth in Section 731, in any case in
6 which a person who was committed to and discharged from the
7 Department of Corrections and Rehabilitation, Division of Juvenile
8 Facilities to the jurisdiction of the committing court attains 18
9 years of age prior to being discharged from the division or during
10 the period of supervision by the committing court, the court may,
11 upon a finding that the ward violated his or her conditions of
12 supervision and after consideration of the recommendation of the
13 probation officer and pursuant to a hearing conducted according
14 to the provisions of subdivision (a), order that the person be
15 delivered to the custody of the sheriff for a period not to exceed a
16 total of 90 days, as a custodial sanction consistent with the reentry
17 goals and requirements imposed by the court pursuant to paragraph
18 (6) of subdivision (b) of Section 1766. Notwithstanding any other
19 law, the sheriff may allow the person to come into and remain in
20 contact with other adults in the county jail or in any other county
21 correctional facility in which he or she is housed.

22 (c) Notwithstanding any other law and subject to Chapter 1.6
23 (commencing with Section 1980), in any case in which a person
24 who was committed to and discharged from the Department of
25 Corrections and Rehabilitation, Division of Juvenile Facilities, to
26 the jurisdiction of the committing court, the juvenile court may,
27 upon a finding that the ward violated his or her conditions of
28 supervision and after consideration of the recommendation of the
29 probation officer and pursuant to a hearing conducted according
30 to the provisions of subdivision (a), order that the person be
31 returned to the custody of the Department of Corrections and
32 Rehabilitation, Division of Juvenile Facilities, for a specified
33 amount of time no shorter than 90 days and no longer than one
34 year. This return shall be a sanction consistent with the reentry
35 goals and requirements imposed by the court pursuant to paragraph
36 (6) of subdivision (b) of Section 1766. A decision to return a ward
37 to the custody of the Division of Juvenile Facilities can only be
38 made pursuant to the court making the following findings: (1) that
39 appropriate local options and programs have been exhausted, and

(2) that the ward has available confinement time that is greater than or equal to the length of the return.

(d) Upon ordering a ward to the custody of the Division of Juvenile Facilities, the court shall send to the Division of Juvenile Facilities a copy of its order along with a copy of the ward's probation plans and history while under the supervision of the county.

(e) This section shall become operative on ~~July 1, 2014~~. *January 1, 2013*.

SEC. 108. Section 1767.36 of the Welfare and Institutions Code is amended to read:

1767.36. (a) This section applies to a ward who is discharged from state jurisdiction to the jurisdiction of the committing court on or after the 90th day after the enactment of the act adding this section.

(b) For a ward discharged from the Division of Juvenile Facilities to the jurisdiction of the committing court, that person may be detained by probation, for the purpose of initiating proceedings to modify the ward's conditions of supervision entered pursuant to paragraph (6) of subdivision (c) of Section 1766.01 if there is probable cause to believe that a ward has violated any of the court-ordered conditions of supervision. Within 15 days of detention, the committing court shall conduct a modification hearing for the ward. Pending the hearing, the ward may be detained by probation. At the hearing authorized by this subdivision, at which the ward shall be entitled to representation by counsel, the court shall consider the alleged violation of conditions of supervision, the risks and needs presented by the ward, and the supervision programs and sanctions that are available for the ward. Modification may include, as a sanction for a finding of a serious violation or a series of repeated violations of the conditions of supervision, an order for the reconfinement of a ward under 18 years of age in a juvenile facility, or for the reconfinement of a ward 18 years of age or older in a juvenile facility as authorized by Section 208.5, or for the reconfinement of a ward 18 years of age or older in a local adult facility as authorized by subdivision (c), or the Division of Juvenile Facilities as authorized by subdivision (d). The ward shall be fully informed by the court of the terms, conditions, responsibilities, and sanctions that are relevant to the order that is adopted by the court. The procedure

1 of the supervision modification hearing, including the detention
2 status of the ward in the event continuances are ordered by the
3 court, shall be consistent with the rules, rights, and procedures
4 applicable to delinquency disposition hearings, as described in
5 Article 17 (commencing with Section 675) of Chapter 2 of Part 1
6 of Division 2.

7 (c) Notwithstanding any other law, subject to Chapter 1.6.
8 (commencing with Section 1980), and consistent with the
9 maximum periods of time set forth in Section 731, in any case in
10 which a person who was committed to and discharged from the
11 Department of Corrections and Rehabilitation, Division of Juvenile
12 Facilities to the jurisdiction the committing court attains 18 years
13 of age prior to being discharged from the division or during the
14 period of supervision by the committing court, the court may, upon
15 a finding that the ward violated his or her conditions of supervision
16 and after consideration of the recommendation of the probation
17 officer and pursuant to a hearing conducted according to the
18 provisions of subdivision (b), order that the person be delivered
19 to the custody of the sheriff for a period not to exceed a total of
20 90 days, as a custodial sanction consistent with the reentry goals
21 and requirements imposed by the court pursuant to paragraph (6)
22 of subdivision (c) of Section 1766.01. Notwithstanding any other
23 law, the sheriff may allow the person to come into and remain in
24 contact with other adults in the county jail or in any other county
25 correctional facility in which he or she is housed.

26 (d) Notwithstanding any other law and subject to Chapter 1.6
27 (commencing with Section 1980), in any case in which a person
28 who was committed to and discharged from the Department of
29 Corrections and Rehabilitation, Division of Juvenile Facilities, to
30 the jurisdiction of the committing court, the juvenile court may,
31 upon a finding that the ward violated his or her conditions of
32 supervision and after consideration of the recommendation of the
33 probation officer and pursuant to a hearing conducted according
34 to the provisions of subdivision (b), order that the person be
35 returned to the custody of the Department of Corrections and
36 Rehabilitation, Division of Juvenile Facilities, for a specified
37 amount of time no shorter than 90 days and no longer than one
38 year. This return shall be a sanction consistent with the reentry
39 goals and requirements imposed by the court pursuant to paragraph
40 (6) of subdivision (c) of Section 1766.01. A decision to return a

ward to the custody of the Division of Juvenile Facilities can only be made pursuant to the court making the following findings: (1) that appropriate local options and programs have been exhausted, and (2) that the ward has available confinement time that is greater than or equal to the length of the return.

(e) Upon ordering a ward to the custody of the Division of Juvenile Facilities, the court shall send to the Division of Juvenile Facilities a copy of its order along with a copy of the ward's probation plans and history while under the supervision of the county.

~~(f) This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.~~

(f) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 109. Section 1769 of the Welfare and Institutions Code is amended to read:

1769. (a) Every person committed to the ~~Department of the Youth Authority~~ *Department of Corrections and Rehabilitation, Division of Juvenile Facilities*, by a juvenile court shall, except as provided in subdivision (b), be discharged upon the expiration of a two-year period of control or when ~~the person reaches his or her 21st birthday~~ *he or she attains 21 years of age*, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800).

(b) Every person committed to the ~~Department of the Youth Authority~~ *Department of Corrections and Rehabilitation, Division of Juvenile Facilities*, by a juvenile court who has been found to be a person described in Section 602 by reason of the violation of any of the offenses listed in subdivision (b); *or paragraph (2) of subdivision (d), or subdivision (e) of Section 707, or subdivision (c) of Section 290.008 of the Penal Code*, shall be discharged upon the expiration of a two-year period of control or when ~~the person reaches his or her 25th birthday~~ *he or she attains 25 years of age*, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800).

(c) Notwithstanding subdivision (b), on and after July 1, 2012, every person committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, who is found to be a person described in Section 602 by reason of the violation of any of the offenses listed in subdivision (b) or paragraph (2) of subdivision (d) of Section 707, or subdivision (c) of Section 290.008 of the Penal Code, shall be discharged upon the expiration of a two-year period of control, or when he or she attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800). This section shall not apply to persons committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court prior to July 1, 2012, pursuant to subdivision (b).

SEC. 110. Section 1771 of the Welfare and Institutions Code is amended to read:

1771. (a) Every person convicted of a felony and committed to the ~~authority~~ Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall be discharged when ~~such person reaches his 25th birthday,~~ he or she attains 25 years of age, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) or unless a petition is filed under Article 5 ~~of this chapter~~ (commencing with Section 1780). In the event ~~such that~~ a petition under Article 5 (commencing with Section 1780) is filed, the ~~authority~~ division shall retain control until the final disposition of the proceeding under Article 5 (commencing with Section 1780).

(b) Notwithstanding subdivision (a), on and after July 1, 2012, every person committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, who is found to be a person described in Section 602 by reason of the violation of any of the offenses listed in subdivision (b) or paragraph (2) of subdivision (d) of Section 707, or subdivision (c) of Section 290.008 of the Penal Code, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800). This section shall not apply to persons committed to the Department of

1 *Corrections and Rehabilitation, Division of Juvenile Facilities,*
2 *by a juvenile court prior to July 1, 2012, pursuant to subdivision*
3 *(a).*

4 *SEC. 111. Section 1800 of the Welfare and Institutions Code*
5 *is amended to read:*

6 1800. (a) Whenever the Division of Juvenile Facilities
7 determines that the discharge of a person from the control of the
8 division at the time required by Section 1766, 1769, 1770, ~~1770.1,~~
9 or 1771, as applicable, would be physically dangerous to the public
10 because of the person's mental or physical deficiency, disorder,
11 or abnormality that causes the person to have serious difficulty
12 controlling his or her dangerous behavior, the division, through
13 ~~its Chief Deputy Secretary for Juvenile Justice~~ *the Director of the*
14 *Division of Juvenile Justice*, shall request the prosecuting attorney
15 to petition the committing court for an order directing that the
16 person remain subject to the control of the division beyond that
17 time. The petition shall be filed at least 90 days before the time of
18 discharge otherwise required. The petition shall be accompanied
19 by a written statement of the facts upon which the division bases
20 its opinion that discharge from control of the division at the time
21 stated would be physically dangerous to the public, but the petition
22 may not be dismissed and an order may not be denied merely
23 because of technical defects in the application.

24 (b) The prosecuting attorney shall promptly notify the Division
25 of Juvenile Facilities of a decision not to file a petition.

26 *SEC. 112. Section 1800.5 of the Welfare and Institutions Code*
27 *is amended to read:*

28 1800.5. Notwithstanding any other provision of law, the Board
29 of Parole Hearings may request the ~~Chief Deputy Secretary for~~
30 ~~Juvenile Justice~~ *Director of the Division of Juvenile Justice* to
31 review any case in which the Division of Juvenile Facilities has
32 not made a request to the prosecuting attorney pursuant to Section
33 1800 and the board finds that the ward would be physically
34 dangerous to the public because of the ward's mental or physical
35 deficiency, disorder, or abnormality that causes the person to have
36 serious difficulty controlling his or her dangerous behavior. Upon
37 the board's request, a mental health professional designated by the
38 ~~chief deputy secretary~~ *director* shall review the case and thereafter
39 may affirm the finding or order additional assessment of the ward.
40 If, after review, the mental health designee affirms the initial

finding, concludes that a subsequent assessment does not demonstrate that a ward is subject to extended detention pursuant to Section 1800, or fails to respond to a request from the board within the timeframe mandated by this section, the board thereafter may request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the division pursuant to Section 1800 if the board continues to find that the ward would be physically dangerous to the public because of the ward's mental or physical deficiency, disorder, or abnormality that causes the person to have serious difficulty controlling his or her dangerous behavior. The board's request to the prosecuting attorney shall be accompanied by a copy of the ward's file and any documentation upon which the board bases its opinion, and shall include any documentation of the division's review and recommendations made pursuant to this section. Any request for review pursuant to this section shall be submitted to the ~~chief deputy secretary~~ *director* not less than 120 days before the date of final discharge, and the review shall be completed and transmitted to the board not more than 15 days after the request has been received.

SEC. 113. Section 1916 of the Welfare and Institutions Code is amended to read:

1916. (a) The California Voluntary Tattoo Removal Program is hereby established.

(b) To the extent that funds are appropriated for this purpose, ~~the California Emergency Management Agency Board of State and Community Corrections~~ may administer the program.

(c) The program shall be designed to serve individuals between 14 and 24 years of age, who are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth.

(d) ~~The agency board~~ shall award grants in a competitive manner and on a geographically diverse basis, serving both northern and southern California.

(e) The Division of Juvenile Facilities of the Department of Corrections and Rehabilitation, county probation departments, community-based organizations, and relevant service providers may apply for the grants authorized by this section.

(f) Funds appropriated for purposes of this section shall be limited to federal funds.

(g) Tattoo removals shall be performed by licensed clinicians who, to the extent feasible, provide their services at a discounted rate, or free of charge.

(h) Grantees shall serve individuals who have gang-related tattoos that are visible in a professional environment and who are recommended for the program by Department of Corrections and Rehabilitation representatives, parole agents, county probation officers, community-based organizations, or service providers.

(i) Individuals who have gang-related tattoos that may be considered unprofessional and are visible in a professional work environment, who meet the criteria of subdivision (c), and who meet any of the following criteria may be eligible for participation in the program:

(1) Are actively pursuing secondary or postsecondary education.

(2) Are seeking employment or participating in workforce training programs.

(3) Are scheduled for an upcoming job interview or job placement.

(4) Are participating in a community or public service activity.

(j) Use of funding by grantees shall be limited to the following:

(1) The removal of gang-related tattoos.

(2) Maintenance or repair of tattoo removal medical devices.

(3) Contracting with licensed private providers to offer the tattoo removal service.

(k) Grantees may also seek additional federal or private funding to execute the provisions of this section, and use those funds to supplement funding received through the program.

(l) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 114. Section 3050 of the Welfare and Institutions Code is amended to read:

3050. ~~Upon~~ (a) Prior to July 1, 2012, upon conviction of a defendant of a misdemeanor or infraction or following revocation of probation previously granted for a misdemeanor or infraction, whether or not sentence has been imposed, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to

1 narcotics, such judge shall adjourn the proceedings or suspend the
2 imposition or execution of the sentence, certify the defendant to
3 the superior court and order the district attorney to file a petition
4 for a commitment of the defendant to the ~~Director~~ *Secretary* of
5 *the Department of Corrections and Rehabilitation* for confinement
6 in the narcotic detention, treatment and rehabilitation facility.

7 ~~Upon~~

8 (b) *Upon* the filing of such a petition, the superior court shall
9 order the defendant to be examined by one physician. At the request
10 of the defendant, the court shall order the defendant to be examined
11 by a second physician. At least one day before the time of the
12 examination as fixed by the court order, a copy of the petition and
13 order for examination shall be personally delivered to the
14 defendant. A written report of the examination by the physician
15 or physicians shall be delivered to the court, and if the report is to
16 the effect that the person is not addicted nor in imminent danger
17 of addiction, it shall so certify and return the defendant to the court
18 which certified such defendant to the superior court for such further
19 proceedings as the judge of such court deems warranted. If the
20 report is to the effect that the defendant is addicted or is by reason
21 of the repeated use of narcotics in imminent danger of addiction,
22 further proceedings shall be conducted in compliance with Sections
23 3104, 3105, 3106, and 3107.

24 ~~If,~~

25 (1) *If*, after a hearing, the judge finds that the defendant is a
26 narcotic addict, or is by reason of the repeated use of narcotics in
27 imminent danger of becoming addicted thereto, and is not ineligible
28 for the program under the application of Section 3052, he or she
29 shall make an order committing such defendant to the custody of
30 the ~~Director~~ *Secretary of the Department of Corrections and*
31 *Rehabilitation* for confinement in the facility until such time as he
32 or she is discharged pursuant to Article 5 (commencing with
33 Section 3200), except as this chapter permits earlier discharge. If,
34 upon the hearing, the judge shall find that the defendant is not a
35 narcotic addict and is not in imminent danger of becoming addicted
36 to narcotics, the judge shall so certify and return the defendant to
37 the court which certified the defendant to the superior court for
38 such further proceedings as the judge of the court which certified
39 the defendant to the superior court deems warranted.

40 ~~If~~

(2) If a person committed pursuant to this section is dissatisfied with the order of commitment, he or she may within 10 days after the making of such order, file a written demand for a jury trial in compliance with Section 3108.

(c) Commencing July 1, 2012, no new commitments may be made pursuant to this section.

SEC. 115. Section 3051 of the Welfare and Institutions Code is amended to read:

3051. ~~Upon~~ (a) Prior to July 1, 2012, upon conviction of a defendant for a felony, or following revocation of probation previously granted for a felony, and upon imposition of sentence, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics the judge shall suspend the execution of the sentence and order the district attorney to file a petition for commitment of the defendant to the ~~Director~~ Secretary of the Department of Corrections and Rehabilitation for confinement in the narcotic detention, treatment, and rehabilitation facility unless, in the opinion of the judge, the defendant's record and probation report indicate such a pattern of criminality that he or she does not constitute a fit subject for commitment under this section.

~~Upon~~ (b) Upon the filing of the petition, the court shall order the defendant to be examined by one physician. However, the examination may be waived by a defendant if the defendant has been examined in accordance with Section 1203.03 of the Penal Code and that examination encompassed whether defendant is addicted or is in imminent danger of addiction, and if the defendant is represented by counsel and competent to understand the effect of the waiver. In cases where a physician's report is waived by the defendant, the Department of Corrections and Rehabilitation may perform an evaluation and provide a report as to the defendant's addiction or imminent danger of addiction. If the Department of Corrections and Rehabilitation determines that the defendant is not addicted or in imminent danger of addiction, the defendant shall be returned to the sentencing court for resentencing. The examination may also be waived upon stipulation by the defendant, his or her attorney, the prosecutor, and the court that the defendant is addicted or is in imminent danger of addiction. If a physician's

1 report is prepared, at the request of the defendant, the court shall
2 order the defendant to be examined by a second physician. At least
3 one day before the time of the examination as fixed by the court
4 order, a copy of the petition and order for examination shall be
5 personally delivered to the defendant. A written report of the
6 examination by the physician or physicians shall be delivered to
7 the court, and if the report is to the effect that the person is not
8 addicted nor in imminent danger of addiction, it shall so certify
9 and return the defendant to the department of the superior court
10 that directed the filing of the petition for the ordering of the
11 execution of the sentence. The court may, unless otherwise
12 prohibited by law, modify the sentence or suspend the imposition
13 of the sentence. If the report is to the effect that the defendant is
14 addicted or is by reason of the repeated use of narcotics in
15 imminent danger of addiction, further proceedings shall be
16 conducted in compliance with Sections 3104, 3105, 3106, and
17 3107.

18 If,

19 (1) If, after a hearing, the judge finds that the defendant is a
20 narcotic addict, or is by reason of the repeated use of narcotics in
21 imminent danger of becoming addicted to narcotics, the judge shall
22 make an order committing the person to the custody of the ~~Director~~
23 *Secretary of the Department of Corrections and Rehabilitation* for
24 confinement in the facility until a time that he or she is discharged
25 pursuant to Article 5 (commencing with Section 3200), except as
26 this chapter permits earlier discharge. If, upon the hearing, the
27 judge finds that the defendant is not a narcotic addict and is not in
28 imminent danger of becoming addicted to narcotics, the judge shall
29 so certify and return the defendant to the department of the superior
30 court that directed the filing of the petition for the ordering of
31 execution of sentence. The court may, unless otherwise prohibited
32 by law, modify the sentence or suspend the imposition of the
33 sentence.

34 If

35 (2) If a person committed pursuant to this section is dissatisfied
36 with the order of commitment, he or she may, within 10 days after
37 the making of the order, file a written demand for a jury trial in
38 compliance with Section 3108.

39 A

(c) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code may perform the examination specified in this section and Section 3050. This section does not expand the scope of practice of psychologists as set forth in Section 2903 of the Business and Professions Code nor does this section allow a psychologist to perform any activity that would otherwise require a physician's and surgeon's license.

(d) *Commencing July 1, 2012, no new commitments may be made pursuant to this section.*

SEC. 116. *Section 3100 of the Welfare and Institutions Code is amended to read:*

3100. ~~Anyone~~ (a) *Prior to July 1, 2012, anyone* who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself *or herself* to be addicted or about to become addicted may report such belief to the district attorney, under oath, who may, when there is probable cause, petition the superior court for a commitment of ~~such~~ the person to the ~~Director~~ *Secretary of the Department of Corrections and Rehabilitation* for confinement in the narcotic detention, treatment, and rehabilitation facility. As used in this article the term "person" includes any person who is released on probation by any court of this state.

(b) *Commencing July 1, 2012, no new commitments may be made pursuant to this section.*

SEC. 117. *Section 3100.6 of the Welfare and Institutions Code is amended to read:*

3100.6. ~~Any~~ (a) *Prior to July 1, 2012, any* peace officer or health officer who has reasonable cause to believe that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use may take the person, for his best interest and protection, to the county hospital or other suitable medical institution designated by the board of supervisors of the county.

~~Upon~~

(b) *Upon* written application of the peace officer or health officer, the physician or superintendent in charge of the designated hospital or institution may admit the person believed to be addicted to the use of narcotics or in imminent danger of becoming addicted

to their use. The application shall state the circumstances under which the person's condition was called to the officer's attention, shall state the date, time, and place of taking the person into custody and shall state the facts upon which the officer has reasonable cause to believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use. The application shall be signed by the officer, and a copy of the application shall be presented to the person prior to his admittance to the hospital or institution.

~~Within~~

(c) *Within* 24 hours of admittance, a physician shall conduct an examination to determine whether the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use and may provide the person with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics.

~~If,~~

(1) *If*, after examination, the physician does not believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use, ~~he~~ *the physician* shall immediately report his ~~or her~~ belief to the physician or superintendent in charge of the hospital or institution, who shall discharge the person immediately.

~~If,~~

(2) *If*, after examination, the physician believes that further examination is necessary to determine whether the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of addiction to their use, ~~he~~ *the physician* shall prepare an affidavit which states that ~~he~~ *the physician* has examined the person and has ~~such~~ *that* belief. The physician or superintendent in charge of the hospital or institution thereupon shall have the power to detain the person for not more than an additional 48 hours for further examination.

~~If,~~

(3) *If*, after such further examination, the physician does not believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use, ~~he~~ *the physician* shall immediately report his ~~or her~~ belief to the physician or superintendent in charge

1 of the hospital or institution, who shall discharge the person
2 immediately.

3 ~~If,~~

4 (d) *If*, after such examination, or further examination, the
5 physician believes that the person is addicted to the use of narcotics
6 or by reason of the repeated use of narcotics is in imminent danger
7 of becoming addicted to their use, ~~he the physician~~ shall prepare
8 an affidavit which states that ~~he the physician~~ has examined the
9 person and has ~~such~~ *that* belief, and which states the time and date
10 of admission to the hospital or institution and the time and date of
11 the examination and, if appropriate, the further examination. The
12 physician or superintendent in charge of the hospital or institution
13 thereupon shall report such belief to the district attorney, who may
14 petition the superior court for a commitment of the person to the
15 ~~Director~~ *Secretary of the Department of Corrections and*
16 *Rehabilitation* for confinement in the narcotic detention and
17 rehabilitation facility.

18 ~~Unless~~

19 (e) *Unless* the petition of the district attorney, accompanied by
20 the affidavit of the examining physician, is filed in the superior
21 court within 72 hours after admittance to the hospital or institution,
22 excluding Saturdays, Sundays and judicial holidays, the physician
23 or superintendent in charge shall discharge the person immediately.

24 ~~No~~

25 (f) *No* evidence of violations of Sections 11350, 11357, and
26 11550 of the Health and Safety Code found during the examination
27 authorized by this section shall be admissible in any criminal
28 proceeding against the person.

29 (g) *Commencing July 1, 2012, no new commitments may be*
30 *made pursuant to this section.*

31 *SEC. 118. Section 3201 of the Welfare and Institutions Code*
32 *is amended to read:*

33 3201. (a) Except as otherwise provided in subdivisions (b)
34 and (c) of this section, if a person committed pursuant to this
35 chapter has not been discharged from the program prior to
36 expiration of 16 months, the ~~Director~~ *Secretary of the Department*
37 *of Corrections and Rehabilitation* shall, on the expiration of such
38 period, return him or her to the court from which he or she was
39 committed, which court shall discharge him or her from the
40 program and order him or her returned to the court in which

1 criminal proceedings were adjourned, or the imposition of sentence
2 suspended, prior to his or her commitment or certification to the
3 superior court.

4 (b) Any other provision of this chapter notwithstanding, in any
5 case in which a person was committed pursuant to Article 3
6 (commencing with Section 3100), such person shall be discharged
7 no later than 12 months after his or her commitment.

8 (c) ~~Any~~ *Prior to July 1, 2012, any* person committed pursuant
9 to Article 2 (commencing with Section 3050), whose execution
10 of sentence in accordance with the provisions of Section 1170 of
11 the Penal Code was suspended pending a commitment pursuant
12 to Section 3051, who has spent, pursuant to this chapter, a period
13 of time in confinement or in custody, excluding any time spent on
14 outpatient status, equal to that which he or she would have
15 otherwise spent in state prison had sentence been executed,
16 including application of good behavior and participation credit
17 provisions of Article 2.5 (commencing with Section 2930) of
18 Chapter 7 of Title 1 of Part 3 of the Penal Code, shall, upon
19 reaching such accumulation of time, be released on parole under
20 the jurisdiction of the ~~Narcotic Addict Evaluation Authority Board~~
21 *of Parole Hearings* subject to all of the conditions imposed by the
22 authority and subject to the provisions of Article 1 (commencing
23 with Section 3000) of Chapter 8 of Title 1 of Part 3 of the Penal
24 Code. A person on parole who violates the rules, regulations or
25 conditions imposed by the authority shall be subject to being
26 retaken and returned to the California Rehabilitation Center as
27 prescribed in such rules, regulations, or conditions and in
28 accordance with the provisions of Sections 3151 and 3152. At the
29 termination of this period of parole supervision or of custody in
30 the California Rehabilitation Center, *or on July 1, 2013, whichever*
31 *occurs sooner*, the person shall be returned by the ~~Director~~
32 *Secretary of the Department of Corrections and Rehabilitation* to
33 the court from which such person was committed, which court
34 shall discharge him or her from the program and order him or her
35 returned to the court which suspended execution of such person's
36 sentence to state prison. ~~Such~~ *However, if the person is serving a*
37 *term of revocation or is obtaining substance abuse treatment on*
38 *July 1, 2013, that person shall complete the term or treatment in*
39 *the California Rehabilitation Center and shall thereafter be*
40 *discharged from the program and the secretary shall order him*

1 *or her returned to the court that suspended execution of the*
2 *person's sentence to state prison. That court, notwithstanding any*
3 *other provision of law, shall suspend or terminate further*
4 *proceedings in the interest of justice, modify the sentence in the*
5 *same manner as if the commitment had been recalled pursuant to*
6 *subdivision (d) of Section 1170 of the Penal Code, or order*
7 *execution of the suspended sentence. Upon the ordering of the*
8 *execution of such sentence, the term imposed shall be deemed to*
9 *have been served in full.*

10 Except as otherwise provided in the preceding paragraph, or as
11 otherwise provided in Section 3200, the period of commitment,
12 including outpatient status, for persons committed pursuant to
13 Section 3051, which commitment is subsequent to a criminal
14 conviction for which execution of sentence to state prison is
15 suspended, shall equal the term imposed under Section 1170 of
16 the Penal Code, notwithstanding good time and participation credit
17 provisions of Article 2.5 (commencing with Section 2930) of
18 Chapter 7 of Title 1 of Part 3 of such code. ~~Upon Prior to July 1,~~
19 ~~2012, upon~~ reaching such period of time, such person shall be
20 released on parole under the jurisdiction of the ~~Narcotic Addict~~
21 ~~Evaluation Authority~~ *Board of Parole Hearings* subject to all of
22 the conditions imposed by the authority and subject to the
23 provisions of Article 1 (commencing with Section 3000) of Chapter
24 8 of Title 1 of Part 3 of the Penal Code. A person on parole who
25 violates the rules, regulations, or conditions imposed by the
26 authority shall be subject to being retaken and returned to the
27 California Rehabilitation Center as prescribed in such rules,
28 regulations, or conditions and in accordance with the provisions
29 of Sections 3151 and 3152. At the termination of this period of
30 parole supervision or of custody in the California Rehabilitation
31 Center *or on July 1, 2013, whichever occurs sooner*, the person
32 shall be returned by the ~~Director~~ *Secretary of the Department of*
33 *Corrections and Rehabilitation* to the court from which he or she
34 was committed, which court shall discharge such person from the
35 program and order him or her returned to the court which
36 suspended execution of the person's sentence to state prison. ~~Such~~
37 *However, if the person is serving a term of revocation or is*
38 *obtaining substance abuse treatment on July 1, 2013, that person*
39 *shall complete the term or treatment in the California*
40 *Rehabilitation Center and shall thereafter be discharged from the*

1 *program and the secretary shall order him or her returned to the*
 2 *court that suspended execution of the person's sentence to state*
 3 *prison. That court, notwithstanding any other provision of law,*
 4 *shall suspend or terminate further proceedings in the interest of*
 5 *justice, modify the sentence in the same manner as if the*
 6 *commitment had been recalled pursuant to subdivision (d) of*
 7 *Section 1170 of the Penal Code, or order execution of the*
 8 *suspended sentence. Upon the ordering of the execution of such*
 9 *sentence, the term imposed shall be deemed to have been served*
 10 *in full.*

11 *Nothing in this section shall preclude a person who has been*
 12 *discharged from the program from being recommitted under the*
 13 *program prior to July 1, 2012, irrespective of the periods of time*
 14 *of any previous commitments.*

15 *(d) Beginning July 1, 2012, no person committed pursuant to*
 16 *Article 2 (commencing with Section 3050) or persons committed*
 17 *pursuant to Section 3501 and discharged from the California*
 18 *Rehabilitation Center shall be placed on a period of parole.*
 19 *Following discharge from the California Rehabilitation Center,*
 20 *the person shall be returned by the Secretary of the Department*
 21 *of Corrections and Rehabilitation to the court from which he or*
 22 *she was committed, which court shall discharge the person from*
 23 *the program and order him or her returned to the court that*
 24 *suspended execution of the person's sentence to state prison.*

25 *(e) Beginning July 1, 2013, any person on parole pursuant to*
 26 *this section that is not serving a term of revocation or in custody*
 27 *of the Department of Corrections and Rehabilitation shall be*
 28 *discharged from parole and ordered to return to the court that*
 29 *suspended execution of the person's sentence for further*
 30 *proceedings consistent with this section.*

31 *SEC. 119. Section 3202 is added to the Welfare and Institutions*
 32 *Code, to read:*

33 *3202. This chapter shall become inoperative on April 1, 2014,*
 34 *and, as of January 1, 2015, is repealed, unless a later enacted*
 35 *statute, that becomes operative on or before January 1, 2015,*
 36 *deletes or extends the dates on which it becomes inoperative and*
 37 *is repealed.*

38 *SEC. 120. If the Commission on State Mandates determines*
 39 *that this act contains costs mandated by the state, reimbursement*
 40 *to local agencies and school districts for those costs shall be made*

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

3 SEC. 121. The sum of one thousand dollars (\$1,000) is hereby
4 appropriated from the General Fund to the Department of
5 Corrections and Rehabilitation for administration.

6 SEC. 122. This act is a bill providing for appropriations related
7 to the Budget Bill within the meaning of subdivision (e) of Section
8 12 of Article IV of the California Constitution, has been identified
9 as related to the budget in the Budget Bill, and shall take effect
10 immediately.

11 SECTION 1. ~~It is the intent of the Legislature to enact statutory~~
12 ~~changes relating to the Budget Act of 2012.~~